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CALIFORNIA CLAIMS.

IN SENATE OF THE UNITED STATES.

FEBRUARY 23, 1848.

Submitted, and ordered to be printed, and that 20,000 additional copies be printed for the use of the Senate.

Mr. CASS made the following

REPORT:

The Committee on Military Affairs, to which was referred the memorial of John Charles Frémont, praying an investigation of the claims of citizens of California against the United States, for money and supplies furnished by them for the use of the United States, and for which the faith of the government is pledged, with a resolution of the Senate, authorizing the committee to send for persons and papers, reported the memorial with the testimony taken by the committee.

To the Senate and House of Representatives of the United States of America in Congress assembled:

The petition of John Charles Frémont, a citizen of the United States,

RESPECTFULLY SHOWS:

That, in June of the year 1846, being then a brevet captain of topographical engineers in the service of the United States, and employed as such in California, he engaged in military operations with the people of the country for the establishment of the independence of California, before the existence of war between the United States and Mexico was known, and was successful in said undertaking; the independence of California being proclaimed at Sonoma on the 5th day of July, and the Mexican forces routed and dispersed. That, immediately on hearing of the war between the

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United States and Mexico, the flag of independence was pulled down and that of the United States ran up in its place, and under this flag military service was rendered to the United States until the conquest was complete, and supplies obtained from the people mostly on credit of certificates given for them. That, after the conquest, a temporary government was formed; the expenses of which, like those incurred for military operations, are mostly yet unpaid, and should be paid by the United States, to whom all the benefits of the conquest of California has accrued.

That in the month of October last, this memorialist, by a letter of that date, brought the payment of these claims to the notice of the Secretary of War, whose answer of the 15th of the same month, also herewith shown, stated the inability of the department to pay them in the then existing state of the laws on the subject, and suggested the remedy of "*special legislation.*" For that remedy this memorialist now applies, and for the sake of justice to the United States and the claimants, he asks that a committee may be allowed to investigate the nature and general amount of the claims, which can easily be done, as there are, at this time, in Washington city several officers of the army and navy, and many citizens of California, well acquainted with the nature of these claims, and entirely disinterested, and who can give valuable information to the government.

Your memorialist states that he himself has knowledge of almost every transaction on which any just claim can be founded; that most of them accrued under his direction; and that he was careful to have certificates given, both for the safety of the government and the claimant; and that he always emloyed responsible men, who are ready and able, before a proper commission, to verify every just claim and to detect every false one.

Your memorialist deems it due to justice, both to the United States and to the claimants, to have these claims audited and allowed by a commission in California, and paid there by the proper officers of the pay, quartermaster, and commissary department; and that no payments ought to be made at this place, except to claimants in their own proper person. To do otherwise would be to throw the claims into the hands of speculators, to the double injury both of the United States and the claimant.

Your memorialist believes that half a million of dollars would pay all the just claims in California, of every kind, and defray all the expenses of a commission to verify them, and he could now give a general estimate of amounts, under the different heads, to justify that opinion, but deems it better to have testimony taken upon the subject before a committee of Congress, or of either House, which can now be readily done.

Your memorialist asks for this investigation as an act of justice to himself, as well as for the security of the United States and justice to the people who have given their services and property to the government, in order that his name may not be made a cover for false claims, and accounts proved against the government which he could either disprove himself, or point out those who could.

The memorialist avers that the people of California served the United States faithfully and patriotically, and deserve to be fairly and promptly paid for their services, sacrifices, and supplies, and he deems it his sacred duty (independently of his personal liabilities on account of the government) to bring their case fully before Congress, and use his best endeavous not only to have them paid, but paid in a way that will save their claims from passing for trifles into the hands of agents and speculators.

Your memorialist, feeling his own reputation concerned in the settlement of the California claims, as well as the interest of the United States and the just claimants, prays that the committee which may be charged with this memorial, may be allowed to summon the necessary witnesses, administer oaths to them, and take their testimony in writing, and report it to the House to which it may belong, for its consideration and preservation.

And your memorialist, as in duty bound, will ever pray, &c.

JOHN CHARLES FRÉMONT.

WASHINGTON CITY, *October* 8, 1847.

SIR: In the discharge of my official relations in California, as military commandant and governor of that territory, I incurred liabilities for which the faith of the government, as well as my own, were pledged, and some of which I think it absolutely necessary to bring to your attention. These are:

1. The payment of the volunteers for their services during the war, and for supplies in arms and other necessaries furnished by them.

2. Payment to citizens of that territory of money loaned to me by them, required and expended in the administration of the government and partial payment of the troops.

The principal amount required for payment of the troops is comprised in what is due to the volunteer emigrants for services during the insurrection. These men, at the first call for their services, quitted their families, leaving them unprotected and exposed to the inclemencies of a rainy winter, and repaired to my camp, bringing with them arms, ammunition, wagons, and money, all of which they freely contributed to the public service. These men returned home without money and without clothes, and the long delay of payment has consequently created much dissatisfaction.

Paper given to them by properly authorized officers, as certificates of service, has been depreciated by officers recently in command, and much of it consequently sold at one-tenth of its true value. As these services were rendered promptly and in good faith by all concerned, at a time of imminent danger to the American arms, I trust that the pledges made to them by myself, in my public and private capacity, will be redeemed, and the amount due to them be paid at as early a day as may suit the convenience of the department. For this purpose, I enclose a brief estimate from the paymaster of the battalion.

Amounts of money required for civil and military purposes were at different times loaned to me by different individals, principally Mexican citizens, as the governor of the territory, acknowledged as such by them. The sums of money are not large, but having been obtained under the high rate of interest usual in that country, public interest is suffering by a delayed payment.

The two subjects which I have presented for your consideration are causes of much dissatisfaction in the territory, and I have thought it a matter of duty to myself, as well as to the government, respectfully to apply for the means of removing it.

I am, respectfully, sir, your obedient servant,

J. C. FRÉMONT.

Hon. Mr. MARCY, *Secretary of War.*

WAR DEPARTMENT,
Washington, October 15, 1847.

SIR: I have received your letter of the 13th instant, accompanied by notices of protests on certain drafts drawn by you when in California on the Secretary of State of the United States.

I regret to inform you that I am not aware that any provision has been made for the payment of these claims. There is no appropriation under the control of this department out of which payment could be made of these drafts, or even of any part of them, in the form in which they are now presented. The services of the members of the California battalion, under existing laws, can only be paid by the paymasters, on rolls regularly made out. In anticipation that troops would be raised in California, an order was issued from this department for their muster, with a view to payment. The only mode provided to pay accounts for subsistence, quarters, transportation, &c., &c., in California, now authorized by law, is through the officers of the Commissary and Quartermasters' Departments, on vouchers which can be passed by the accounting officers. Any extraordinary expenses which cannot be met by the revenues or collections in California, cannot be paid without special legislation. The same remark is applicable to the expenses of the temporary civil government of that country. This subject will, undoubtedly, be presented to the consideration of Congress at its approaching session, and means asked to discharge all just claims of this nature on the government.

Very respectfully, your obedient servant,

W. L. MARCY,
Secretary of War.

Lieut. Col. J. C. FREMONT, *U. S. A.*,
Washington city.

P. S. The protests are herewith returned.

IN THE SENATE OF THE UNITED STATES,
February 1, 1848.

On motion by Mr. Benton,

Resolved, That the Military Committee, to which has been referred the petition of John Charles Frémont in relation to California claims on the government of the United States, be authorized and directed to take testimonry, written and oral, in regard to said claims; and, for that purpose, to summon witnesses now in or near the city of Washington, and to administer oaths to said witnesses, and take the testimony in writing; and that the committee have leave to employ a clerk.

Attest:

ASBURY DICKINS, *Secretary*.

MILITARY COMMITTEE OF THE SENATE.

February 1, 1848.

Present: Mr. Cass, chairman, Mr. Benton, Mr. Crittenden, Mr. Dix, Mr. Rusk, and Mr. Davis.

The petition of Colonel J. C. Frémont, and the letter of the Secretary of War, were read.

On motion, a sub-committee of three were appointed to take testimony and report it to the committee.

Messrs. Benton, Crittenden, and Rusk, were appointed the committee.

On motion,

Resolved, That application be made to the Senate for leave to employ a clerk; and, also, to summon and swear witnesses.

The committee then adjourned until to-morrow at 10 o'clock.

February 2, 1848.

Present: Messrs. Benton and Crittenden.

The following resolution of the Senate was read:

IN THE SENATE OF THE UNITED STATES,
February 1, 1848.

On motion by Mr. Benton,

Resolved, That the Military Committee, to which has been referred the petition of John Charles Frémont in relation to California claims on the government of the United States, be authorized and directed to take the testimony, written and oral, in regard to said claims; and, for that purpose, to summon witnesses now in or near the city of Washington, and to administer oaths to said witnesses, and take the testimony in writing; and that the committee have leave to employ a clerk.

Charles A. Whitney was appointed clerk.

The following witnesses appeared, being previously summoned by the Military Committee:

Lieutenant Colonel John Charles Frémont; Colonel William H. Russell, Missouri; Colonel Joseph Childs, California; Captain Samuel Hensley, California; J. R. Wilson, U. S. navy; Captain Archibald Gillespie, U. S. M. C.; Captain Richard Owens, Missouri; Risdon Moore, Illinois; L. D. Vincenthaler, Missouri; Alexander Godey, Missouri; Marion Wise, Missouri; Thomas Breckenridge, Missouri, Jerome C. Davis, Missouri; Joseph Ferguson, Missouri; Eugene Russell, Missouri; Frank Ward, California.

The committee then adjourned until to-morrow morning at 10 o'clock.

SUB-COMMITTEE ON MILITARY AFFAIRS OF THE SENATE,

February 3, 1848.

The committee met pursuant to adjournment.

Present: Messrs. Benton, Rusk, and Crittenden.

At the desire of Mr. Rusk, Mr. Benton read the general points contained in the petition of Colonel J. C. Frémont.

Ordered by the committee, That the witnesses be instructed to testify, so far as their knowledge goes, to the nature and amount of the claims, and to their origin, under the revolutionary movement for independence, before the war broke out between the United States and Mexico, and those which occurred afterwards; and that each of the witnesses as know the facts testify to the origin and character of the revolutionary movement for independence, with the causes and consequences of it, as connected with future operations of the United States for the conquest of California.

The committee then adjourned until Saturday next, February 5, 1848.

SUB-COMMITTEE ON MILITARY AFFAIRS IN THE SENATE OF THE UNITED STATES,

February 5, 1848.

Present: Messrs. Benton and Rusk.

On motion,

Colonel Frémont presented and read his written statement in regard to the California claims.

On motion,

Captain Gillespie presented and read his written statement in regard to California claims.

On motion by Mr. Benton,

The clerk was authorized to make out a summons for the appearance of Lieutenant George Minor, to give testimony in the case now before the committee.

On motion,
Colonel William H. Russell presented and read his statement.
On motion,
Captain Samuel Hensley presented and read his statement.

Captain Hensley questioned by the Committee.

Question. As you were commissary and quartermaster, and therefore intimately acquainted with the supplies obtained by the troops, and with the general expenses of the whole conquest of California, from the beginning, under the flag of independence in the north, to the suppression of the insurrection at Los Angelos in the south, you can form an opinion of the whole sum which the just claims upon the United States would amount to. Will you please state that amount?

Captain Hensley's Answer.

Previous to leaving the City of Angels, Major Reading, acting as paymaster, and myself made an estimate of the amount due in that country. From the best information which we could obtain, we made the total amount seven hundred thousand dollars. Major Reading was operating in the north with Colonel Frémont and myself with Commodore Stockton in the south.

The committee then adjourned until Monday next, February 7, 1848.

SUB-COMMITTEE ON MILITARY AFFAIRS IN THE SENATE OF THE UNITED STATES,

February 7, 1848.

Ths committee met pursuant to adjournment.
Present: Messrs. Benton and Rusk.

Captain Gillespie questioned.—His answer to be submitted in writing.

Question. You speak of having joined Captain Frémont on the Tlamath lake, in the beginning of May, 1846. Will you please state whether you were charged with any message or mission from the government to Captain Frémont; and, if so, what it was?

The clerk was then requested to give each witness a written form of the following question:

Did you know or understand, from credible report, that the Californian authorities were granting or selling the national domain, or missions, and on what terms; and what effect, if any, the revolutionary movement may have had in stopping these sales and grants?

The committee then adjourned, to meet on Wednesday, the 9th February, at 10 o'clock, a. m.

SUB-MILITARY COMMITTEE OF THE SENATE OF THE UNITED STATES,

February 9, 1848.

Present: Messrs. Benton and Rusk.

Colonel Frémont presented papers taken by him from the Californian authorities, which being interpreted, reveal the design of said authorities to grant a large tract of land to an Irish priest, (by name Macnamara,) for the purpose of colonization, &c., &c.

The papers were read by Mr. Benton, and ordered to be copied by the clerk.

Captain Gillespie then presented and read his written answer to questions propounded to him on Monday, the 7th instant. The following witnesses also presented their written answers to questions propounded to them on Monday, the 7th instant:

Captain Samuel J. Hensley, J. K. Wilson, Thomas E. Breckenridge, Frank Ward, L. D. Vincenthaler, Colonel Childs, Marion Wise, R. Owen, Colonel William H. Russell, J. C. Davis, A. Godey, R. E. Russell.

The clerk was then authorized to make out a summons for Dr. John Baldwin to appear before the committee to answer interrogatories touching the case now before the committee.

The committee then adjourned until to-morrow morning at 11 o'clock.

SUB-MILITARY COMMITTEE OF THE SENATE,

February 10, 1848.

Present: Messrs. Benton and Rusk.

Risdon Moore presented his written statement in answer to questions propounded to him by the committee on the 7th February. It was read and filed.

J. K. Wilson presented his general statement. It was read and filed.

J. K. Wilson was desired by the committee to make out a written statement of facts relating to Eugene Macnamara, a Catholic priest and apostolical missionary to California.

Josiah Ferguson then presented his statement in answer to question propounded on the 7th February. It was read and filed.

The following question, to be answered in writing, was then propounded to Colonel William H. Russell:

Question. Do you know whether any considerable number of the American emigrants to Sacramento joined the California battalion, and under what circumstances of disadvantage and sacrifice to themselves, and how far the said battalion was influential in terminating the war?

Dr. John Baldwin then made his appearance before the committee, and, at the desire of the committee, gave a general oral statement of facts pertaining to the case before the committee; which statement he was requested to submit, together with answers to the following questions, to the committee in writing:

Question to Dr. Baldwin.

Are you much acquainted in Mexico, and were you in the city of Mexico since the occupation of the same by the American troops; and if so, did you see or hear of the priest Eugene Macnamara, and of his application for a grant of land in California, and of the footing on which he stood with the *principal* British subjects, agents, and authorities in Mexico?

Question. What power, since the obstruction of the federal constitution in Mexico, has the authority to dispose of the public domain?

Question. Is that power taken away from the States or departments?

Question. How is what is called the executive council in Mexico appointed; and what is the general power of that council over the legislature and judicial department of the Mexican government?

The committee then adjourned, to meet at 10 o'clock, a. m., February 11, 1848.

SUBCOMMITTEE ON MILITARY AFFAIRS OF THE SENATE,

February 11, 1848.

Present: Mr. Benton. Colonel Frémont and Captain Hensley, were requested to answer the following questions:

Question. Over what extent of country do you think there were transactions out of which claims may justly arise? And at what places do you think a commissioner or commissioners should sit for the adjudication of claims, so as to have the whole examined in the shortest time, and the business closed up? And what length of time do you think it would require for a commissioner or commissioners acquainted with the country and with prices, and with the general nature of the claims, to audit and adjust the same?

Colonel Frémont, Colonel Childs, and Captain Hensley's answer. The extent of country over which there were transactions which would give rise to claims, would be about twelve hundred miles from north to south, reckoning from Sonoma and the northern settlements of the Sacramento to San Vincenté, the old capital of lower California. The proper places at which to examine and adjudicate the claims, would be the following: 1st. New Helvetia. 2d. Sonoma. 3d. San Francisco. 4th. Pueblo de San José. 5th. Monterey. 6th. San Luis Obispo. 7th. Santa Barbara. 8th. Ciudad de los Angelos. 9th. San Diego. 10th. San Vincenté.

Nine months or a year would probably be the shortest time which would be required for a commissioner or commissioners to examine and adjust the claims; and we further believe that justice to the claimants and the interest of the government, make it expedient that the commissioner or commissioners should be acquainted with the country and with the general nature of the claims, in order rightfully to audit and adjust the same.

J. C. FRÉMONT,
SAML. J. HENSLEY,
J. B. CHILDS.

The committee then adjourned until to-morrow morning at 10 o'clock.

SUB-MILITARY COMMITTEE OF THE UNITED STATES SENATE,

February 12, 1848.

Present: Messrs. Benton and Rusk.

Question to Mr. Frank Ward.

Question. What time did you arrive in California?

Answer. On the 30th of July, 1846.

Question. What grants do you speak of as being made three days before Commodore Sloat hoisted the flag?

Answer. A grant to the Hudson's Bay Company in the town of San Francisco, and some mission property.

Question. When was the flag hoisted by Commodore Sloat?

Answer. The 7th of July, 1846.

Question. Do you know of the rates at which bills were selling while you were at California, and what per cent. was paid for money?

Answer. Government has paid from 12 to 20 per cent. on bills of the United States, and it is my impression that there has been paid as high as 25 per cent. The legal interest for money in California is 2 per cent. a month, and 3 per cent. a month is very often paid.

The committee then ordered that Purser Dangerfield Fauntleroy be summoned to appear before the committee, on Monday next, February 14, 1848.

SUB-MILITARY COMMITTEE OF THE SENATE,

February 14, 1848.

Present: Messrs. Benton, Rusk, and Crittenden.

Questions to Mr Dangerfield Fauntleroy.

Question. Were you a purser in the United States Navy, on the California station, within a few years past; and, if so, can you state at what rate money was raised there on government bills; and also, what was the rate of interest on money in California during the time you were there?

Question. What do you deem the best way for the government to place seven or eight hundred thousand dollars in upper California, to pay out there to those who have performed military service, or furnished supplies to the troops in the service of the United States?

Answers to be given in writing.

The committee then adjourned, to meet on Wednesday, February 16, 1848.

SUB-MILITARY COMMITTEE OF THE SENATE,

WEDNESDAY, *February* 16, 1848.

Mr. Benton being present, the committee adjourned until to-morrow morning, at 10 o'clock, February 17, 1848.

MILITARY COMMITTEE OF THE SENATE,

February 17, 1848.

Present: Mr. Cass, chairman; Messrs. Benton, Crittenden, Dix, Badger, Davis.

The depositions of Colonel Frémont, Captain Gillespie, Captain Hensley, and Dr. Baldwin, were read before the committee.

The committee then adjourned until Saturday morning, at 10 o'clock.

MILITARY COMMITTEE OF THE SENATE,

SATURDAY, *February* 19, 1848.

Present: Mr. Cass, chairman; Messrs. Benton, Dix, Davis, Badger.

The remainder of the testimony in relation to California claims was read before the committee. A part of the depositions were sworn to and subscribed to before the chairman. Their accounts for attendance before the committee were then ordered to be made out and settled. Said witnesses were then discharged from further attendance before the committee.

The committee then adjourned, to meet on Monday morning next, at 10 o'clock.

MILITARY COMMITTEE OF THE SENATE,

February 21, 1848.

Present: Mr. Benton.

A quorum not being present, the witnesses were desired to appear before the committee to-morrow morning, at 10 o'clock, February 22, 1848.

MILITARY COMMITTEE OF THE SENATE,

February 22, 1848.

Present: Mr. Cass, chairman; Messrs. Benton, Rusk, Davis, Dix.

The remaining number of witnesses not discharged were called, their depositions sworn to, their accounts ordered to be made out, at two dollars per diem, and settled. The witnesses were then discharged from further attendance upon the committee.

The committee then ordered that the testimony be arranged for printing.

The committee then adjourned.

Deposition of John Charles Frémont.

This deponent, in conformity to the intimation of the committee, will consider the California claims under two divisions, those accruing under the first movement for independence, before the war with Mexico was known in California, and those arising after the flag of the United States was raised. It is very proper so to consider them; for although the United States, as receiving all the fruits of the movement for independence, is as justly bound to pay the expenses of that movement as of the operations afterwards carried on under her own flag, yet the first movement, having been without expressed authority from the United States, and revolutionary in its character, it is entirely proper, as intimated by the committee, that the nature and origin of that movement should be known.

The movement for independence was one of self defence on the part of the American settlers in that part of California, and of the topographical party in the service of the United States, of which this deponent then had the command.

This deponent, with a topographical party, had left the United States in the spring of 1845 on his third expedition of exploration, and to avoid difficulties with the Mexican authorities in California, left that province for Oregon early in the spring of 1846, and in the beginning of May had reached the north end of the great Tlamath lake, which lake is cut by the parallel of 42°, so that he was then in Oregon. His progress further north was then barred by hostile Indians and impassable snowy mountains, and he was meditating some change in his route, when, late in the evening of the 8th of May, two horsemen came up to our camp. One was Samuel Neal, formerly of my topographical party. He informed me that a United States officer was on my trail, with despatches for me, whom he had left two days behind with a small escort, but doubted whether he would ever reach me on account of the dangers from the Indians. On the morning of the 9th, I took nine men, four of them Delaware Indians, travelled down the west side of the lake about sixty miles, and met the party that evening.

That officer was Lieutenant Gillespie, of the marines.

He brought me a letter of introduction from the Secretary of State, Mr. Buchanan, and letters and papers from Senator Benton and his family. The letter from the Secretary was directed to me in my private or citizen capacity, and, although importing nothing beyond the introduction, accredited the bearer to me as coming from the Secretary of State, and, in connexion with the circumstances and place of its delivery, indicated a purpose in sending it which was intelligibly explained to me by the accompanying letter from Senator Benton, and by communications from Lieutenant Gillespie. This officer informed me that he had been directed by the Secretary of State to find me, and to acquaint me with his instructions, which had for their principal objects to ascertain the disposition of the California people, to conciliate their feelings in favor of the United States, and to find out, with a design of counteracting, the designs of the British government upon that country.

These communications, and the dangers of my position, (three men were killed in our camp the night Lieutenant Gillespie delivered his letters,) induced me, after returning to my party at the north end of the lake, to turn back to the valley of the Sacramento. Arrived there, information was received that Gen. Castro was then raising forces and exciting the Indians both against the settlers and the small party under the command of this deponent, upon the unfounded pretext of an intended insurrection by them against the Mexican government in California. Upon his own view of the dangers of their situation, and the earnest applications of the settlers, this deponent joined them with his party, and, (what they deemed of great moment,) his name as an Ameircan officer, in the month of June, 1846, and by the 5th day of July the movement was so far successful that a declaration of independence was made on that day at Sonoma, and the whole country north of the Bay of San Francisco, being freed from Mexican power, this deponent, at the head of 160 mounted men, principally American settlers, sat out to go round by the head of that bay to attack Gen. Castro on the south side of the bay. While proceeding against Gen. Castro, authentic information was received that, on the 7th of July, Commodore Sloat had taken possession of Monterey, and hoisted the American flag; upon which the flag of independence was immediately hauled down, and that of the United States ran up; and under the flag of the United States all subsequent operations were carried on.

I came down to Monterey with my command, upon the request of Commodore Sloat, to co-operate with him; and immediately on my arrival waited upon him, in company with Lieutenant Gillespie, on board the frigate Savannah. Commodore Sloat appeared uneasy at the great responsibility he had assumed. He informed me, that he had applied to Lieutenant Gillespie, whom he knew to be an agent of the government, for his authority, but that he had declined to give it. He then inquired to know under what instructions I had acted in taking up arms against the Mexican authorities. I informed him, that I had acted solely on my own responsibility, and without any authority from the government to justify hostilities. Commodore Sloat appeared greatly disturbed with this information, and gave me distinctly to understand that in raising the flag at Monterey, he had acted upon the faith of our operations in the north. Commodore Sloat soon relinquished the command to Commodore Stockton, who determined to prosecute hostilities to the complete conquest of California. He proposed that Lieutenant Gillespie and myself should serve under him, with all the force we could get; which we agreed to, our men doing the same, as Commodore Stockton so fully testified before the court martial; and from that time forward, all my operations were carried on under the orders of Commodore Stockton, or by virtue of commissions bestowed by him. I was appointed by him major of the California battalion, afterwards military commandant of California, and afterwards governor and commander-in-chief in California;

and under all these appointments expenses were incurred, which remain to be paid.

Commodore Stockton reported to the government all these appointments that he gave me, and our success in conquering the remainder of California in the summer of 1846, and suppressing the insurrection during the winter, which broke out in the south in the month of September; he also gave an account of it before the court martial. Commodore Sloat reported also my coming down to Monterey, and our success in freeing the northern part of California from Mexican power, and the retreat of General Castro towards the south, flying, as he correctly said, before Frémont.

The fruits of the revolutionary movement thus passed to the United States, and have remained with her ever since. These fruits were very considerable. Besides the peaceable possession of all the northern part of California, and the actual force in the field under the independent flag, which immediately went into service under the United States, there is good reason to believe, and evidence now at hand to sustain that belief, that the revolutionary movement prevented a design of the Californians to put their country under the flag of the British, and also prevented the completion of the colonization grant of three thousand square leagues to Macnamara, who was brought to California in the British sloop of war Juno, in the month of June, 1846. Admiral Seymour, in the Collingwood, of 80 guns, arrived at Monterey on the 16th of July. Macnamara was on board the Collingwood when I arrived at Monterey on the 19th, and was carried away in that vessel. The taking possession of that place on the 7th had anticipated him, and the revolutionary movement had checked the designs of the Californians to place the country under British protection; and also prevented the fulfilment of the great grant to Macnamara, the original papers of which I now have here, to be shown the committee and to be delivered up to the government. Testimony now here, or near at hand, can be had to these points, namely: Captain Gillespie, Messrs. Childs and Hensley, Lieutenant Minor, of the navy, at Fredericksburg, Virginia, and the reports of the United States consul at Monterey, Mr. Larkin.

This deponent now states the general nature and probable amount of the claims arising under these operations, which he estimates in round numbers as follows:

From 3,000 to 4,000 horses, averaging thirty dollars each, say	$120,000
3,000 head of cattle, averaging $10, say	30,000
1,000 saddles, bridles, spurs, and horse equipments, averaging $60	60,000
400 rifles, at $30 each	12,000
Drafts protested and obligations, including damages and interests, say	50,000
Claims for provisions taken, and damages at *San Pedro* and *Los Angeles*, examined and allowed by a commissions before I left California	29,584

Provisions and supplies, to wit: flour, grain, coffee, sugar, vegetables, and other small items, to wit: sheep, wagons, gears, damage to ranchos, say..... 100,000
Services of the California battalion, say..... 100,000

These are mere conjectural estimates made from general knowledge, not pretending to the accuracy of estimates upon data.

The above expenses were for near about one year of time, and almost every thing obtained was without money; the whole amount of which furnished to me by Commodore Stockton, from naval funds, was $20,004, (of which $10,004 on a requisition for $20,004,) and $2,199 in funds and stores, from Captain Montgomery, of the Portsmouth sloop-of-war. For a part of the supplies certificates or receipts were given; this was when the supplies were obtained from friends, or from inhabitants of the country who gave up what was wanted for carrying on the war. Other parts were taken from the enemy, or from the insurgent or inimical population. I know almost every transaction myself, or I know those who do know them, so that I would be able to verify, or have verified every just account, and be able to detect every unjust one.

The above estimate includes claims not arising under my command, but is intended to provide for all, whether arising from the immediate orders of Commodore Stockton, or from his command through others, or from Captain Mervine, Captain Montgomery, and other naval or military officers engaged in the conquest of California. About half a million of dollars is my general estimate of the amount required, but I think $600,000 should be appropriated to cover unforeseen items, or errors in the estimate. That sum would be very small for the services rendered, as the naval forces, and the inhabitants of the country and the California battalion, conquered the country for the United States before the New York regiment and other troops, destined to make the conquest, arrived there.

I offer, as corroborating testimony, the following letter of Mr. Thomas O. Larkin, the United States consul at Monterey, dated May 30, 1847, addressed to General Kearny on the eve of his departure from that place, and intended to be shown to the President, and to make known to him the merit of the California battalion and the inhabitants of California, in carrying on the war upon their own means, and at great sacrifices, and the urgent necessity for paying their claims. The letter I offer is a copy from the original, given to me by Mr. Larkin himself, and was by him made known at the time to Captain Gillespie as well as to myself. I believe it to be substantially true, and offer it as a corroboration of my statement.

J. C. FRÉMONT.

Sworn to and subscribed before me, this 28th February, 1848.
LEW. CASS.

Question to Colonel Frémont.

Did you know, or understand from credible report, that the Californian authorities were granting or selling the national domain or the missions, and on what terms—and what effect, if any, the revolutionary movement had in stopping these grants or sales?

I did understand from credible report that the Californian authorities were granting and selling the missions and other public domains. In some cases these lands were so conveyed simply as grants, in others as reward for services rendered to the government, and in others for amounts of money that had been advanced, or were to be paid to the government. I understood that in this way nearly all the missions south of San Louis Obispo, the mission of San Raphael in Sonoma, and some of the large islands on the coast were granted. I understood that many of these grants were hastily made, without the usual legal forms, and wanting the usual formalities; and I understood from citizens of the country, such as Don Abel Stearns, of the Pueblo de los Angeles, that these mission grants were illegally made, and ought not to be considered valid. I saw in the public archives deeds and titles of some of the lands which were so conveyed away by the government of the territory. Among them were the following, viz:

1. The *Mission of San Gabriel*, granted on the 8th of June, 1846, to Julian Workman and Hugo Reid, (English subjects.)

2. The *Mission of San Rafael*, to Julian Workman and Francisco Plinio Temple, on the 8th of June, 1846.

3. *The Island of San Clemente*, granted about the middle of May, 1846, to Julian Workman and Andres Pico.

4. *Bird Island*, granted on the 3d of June, 1846, to Julian Workman.

6. *San Mateo*, (part of the Mission of Dolores,) granted in the month of May to Cayetano Arenas.

7. *Mission of San Luis Rey*, granted (I believe) in the month of June, 1846, to Señor Cot.

I submit the following extract from a deed given by Governor Pico under date of June 8th, 1846, to Julian Workman and Hugo Reid, of the Mission of San Gabriel. A copy of the deed is contained in a letter now in my possession from Mr. Reid to Commodore Stockton. The words of Governor Pico are:

"Authorized beforehand by the most excellent assembly of the department to dispose of the missions for the payment of their debts, and avoiding of the total ruin of them, as well as to proportion resources that may serve for the general defence in case of a foreign invasion, which according to recent dates is not far off," etc., etc., etc.

The facts above narrated, with many attending circumstances, led me to believe that the authorities of California designed to create as large as possible a British interest in the country, or in other words, to convert, wherever it could be done, public or Mexican property in California into British property. These things were mostly done hurriedly, and mostly at the same fixed period of time, and taken in connexion with my collision with the authorities in March, '46,

and the declaration of the same authorities that I had come into the country to excite a revolt, and the disposition shown by the American settlers in offering to aid me, and the consequent proceedings against them, further led me to believe that the action of the authorities was influenced by apprehension of danger from the Americans. I believe that the action of the authorities in the grant to Macnamara was precipated by the revolution in the north.

J. C. FRÉMONT.

MONTEREY, CALIFORNIA, *May* 30, 1847.

SIR: Your departure for Washington suggests to me the necessity of calling your attention to the pecuniary affairs of the natives of this territory, and of our own countrymen, relative to the transactions with the officers of the battalion of California mounted riflemen, under the command of Lieutenant Colonel J. C. Frémont, United States army.

In July, 1846, Commodore Stockton, in the Congress, with his own crew, and Lieutenant Colonel Frémont, in the Cyane, with about one hundred and seventy American riflemen, left this port to take possession of the southern ports of Upper California; they had complete success by the middle of August.

In October following, the Mexicans and Californians, as you are aware, rose and took some of the towns. This caused Commodore Stockton to again visit them in arms by sea, and Lieutenant Colonel Frémont by land, with about five hundred American mounted riflemen. This last expedition was in one of the most inclement winters, which caused much trouble and expense, and the death of many horses, crossing the mountains to the Pueblo of the Angels; also, much hardship in the advances made, and services performed, in conducting the conquest and reconquest of California. This now causes, against our government, claims which remain unpaid. The claimants made their advances, and performed their services, with good will and readiness, which our government will always find among our citizens; they had every reason to expect that their demands would be approved of and paid by the United States government. For some reason this has not been done, and the distress caused to the merchants is too plainly visible, in their having to pay 2 per cent. per month on their borrowed money.

Emigrants who, in October and November, 1846, arrived here, singly and with families, with scarcely more than arms and ammunitions, wagons, oxen, mules, and harness, came forward and lent or sold this little all to fight for their country, and secure California to the United States and make a home for themselves under our flag, as well as those who may come after them. The crush of their hopes, their own poverty—some of them even returning to their families on the Sacramento without decent clothing—are the sorrowful results. As regards the claimants of the campaign, you are fully informed of.

California is now enjoying the fruits of peace and increased commerce, and all the blessings our flag carries with it. You have seen all this, and must feel a hope and anxiety that we shall thus continue to enjoy these advantages. I would, therefore, press on you the importance of having an early interview with President Polk, and lay the case and situation of California before him, urging his immediate action in the premises. I feel sure that such appropriation as our President may require will be cheerfully granted by Congress to him, and responded to by the country at large.

With the hopes that you may find your family in health, I am, most respectfully, your obedient servant,

THOMAS O. LARKIN.

The foregoing is a correct copy of the letter sent to General S. W. Kearny.

THOMAS O. LARKIN,
Per EDW. L. STETSON.

The following extract from a letter of Mr. Thomas O. Larkin to Mr. Buchanan, Secretary of State, dated at Monterey, Upper California, June 1, 1847, shews that the original of the foregoing letter was intended to be shewn to the President to draw his attention to the meritorious services of the California battalion, and of the people in supplying them, and enforcing the justice and policy of immediately paying them.

"Every thing, as regards the natives, is quiet; but the greatest excitement prevails throughout California relative to the payment of the debts created by the California battalion. We are laughed to scorn by the Californians, for the many promises made and broke to merchants, traders, and riflemen, who supported the battalion of Lieutenant Colonel Frémont. Commodore Stockton and Colonel Frémont have now superior officers in California, and from this reason, or some other, the greatest confusion relative to money affairs prevails in this territory. I have seen the prime of the last emigration travelling from the south to the Sacramento; some of them almost in rags, having spent their services, and sold their guns and wagons to government, for which they now suffer. I have given General Kearny a statement of facts, and have requested him to have an interview with the President on this subject."

Translation of the papers found among the government archives, by Lieutenant Colonel Frémont, at Los Angeles, in Upper California, and referred to in his deposition; the originals in Spanish, brought home to the United States to be delivered to the government, and printed in the appendix to the report of the committees' proceedings.

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A.

TRANSLATION.

[This paper has no date. It is marked at the top, No. 1.]

I, Eugenio Macnamara, Catholic priest and apostolical missionary, take the liberty of submitting to your excellency some reflections on a subject which at this time attracts much public attention. I allude to the expectations and actual condition of Upper California.

It does not require the gift of prophecy to foresee that, within a little time, this fertile country will cease to be an integral part of this republic, unless some prompt and efficacious measures be adopted to restrain foreign rapacity. The immediate question that presents itself, is, What are the speediest and most secure means of avoiding such a calamity? The unanimous voice of the country responds *colonization*. The second question is, Where shall we find the colonists, who possess all the necessary qualities, for an object so desirable? Certainly not in Mexico, and as little in any of its dependencies, which are so thinly peopled. We have then naturally to recur to Europe, which abounds with an excess of population. What people of this ancient continent is best calculated for the end of colonization—best adapted to the religion, character, and temperament of the inhabitants of Mexico? Emphatically I answer the Irish—they are devout Catholics, moral, industrious, sober, and brave.

For this reason I propose, with the aid and approbation of your excellency, to carry forward this project, to place in Upper California a colony of Irish Catholics. I have a triple object in making this proposition. I wish, in the first place, to advance the cause of Catholicism. In the second, to contribute to the happiness of my countrymen. Thirdly, I desire to put an obstacle in the way of further usurpations on the part of an irreligious and anti-Catholic nation. I, therefore, propose to your excellency that there be conceded to me, an extent of territory on the coast of Upper California, for the purpose I have indicated.

I would prefer, with the permission of your excellency, to place the first colonists on the bay of San Francisco. Your excellency will agree with me that this would be a proper step, when it is remembered that the Americans have possession of Bodega, a port abandoned by the Russians, situate a little to the north of San Francisco. I should bring, for a beginning, one thousand families;

afterwards, should it appear well to your excellency, I would establish a second colony near Monterey, and a third at Santa Barbara. By this means, the entire coast (by which most danger is to be expected) would be completely secured against invasions and pillages of foreigners. For each family that I bring, I will require the land that composes "one sitio de ganado mayor" (a square league, containing 4,428 acres) to be given free of all cost; likewise, that the children of the colonists, when they marry, shall receive a half sitio (2,214 acres) as a national gift.

I should require, likewise, an exemption from the payment of all classes of contributions for a certain number of years; that the colonists, on taking possession of their lands, shall consider themselves under the protection of the government, and shall enjoy all their rights.

There are other points of less importance, which I do not touch upon now, as they can be discussed to more advantage hereafter.

I have the satisfaction to be able to say, that these propositions have received the fullest approbation of the most illustrious archbishop, the venerable head of the church in this country.

This project which I lay before your excellency ought to be effected on an extended and liberal footing, in order to be positively beneficial to the country.

Thus, in a few words, I have manifested my opinion on this important subject, and have presented some ideas pertinent to it, which, if generously carried into effect, may dispense happiness to many, and, in the end, tend to the consolidation and integrity of this great republic.

I have the honor to be, very respectfully, your excellency's most obedient servant,

EUGENIO MACNAMARA.

To the most Excellent
Señor PRESIDENT OF THE REPUBLIC OF MEXICO.

B.

TRANSLATION.

[This paper has no date: It is marked, No. 2.]

By the hesitation of the supreme government to enter immediately on the question of establishing an Irish colony in California, it appears that the principal and only objection to fulfilling the enterprise, is the difficulty of obtaining sufficient pecuniary means to pay the expenses of transporting the colonists to the place of their destination.

This objection appears to be sufficiently well-founded; but I think I shall be able to show to your excellency, in a few words, that it is very easy to overcome, and that the object may be realized without the government finding it necessary to expend a single dollar.

I beg your excellency to be pleased to take into consideration

what I have before expressed, I believe sufficient, to obtain the money necessary for the transportation of the colonists. In the first place, there are in my country many fathers of families, who, after selling the little land they possess, their cattle, furniture, &c., would be able to command two hundred to three hundred dollars, with which sum they would have nearly enough to cover the expenses of the voyage and of their families. But as it will be necessary to convey many other families, who lack the means for paying the expenses of their transportation, such as priests, physicians, mechanics, young women, &c., it will be necessary to obtain money for the purpose; and I am of opinion that, if the supreme government should assign me in California a quantity of land sufficient to hypothecate, I would be able to obtain money in my own country upon the land.

I believe, in the second place, that the supreme government should agree to cede me, for a certain period of time, for the use of the colonists, the duties on importations of the port of San Francisco. This last proposal may be conceded more readily, inasmuch as the supreme government does not receive much benefit from the duties of importation at that port.

In this manner I believe I have shown to the most excellent Señor President, in a few words, resources easy to be realized, and with which may be set aside all the objections that are presented, as I have demonstrated at the beginning, without the government being compelled to make any expenditure.

Your excellency will excuse me, that I take the liberty further to demonstrate that no time ought to be lost in this important affair, if it is desired to be realized, since your excellency knows well enough that we are surrounded by an artful and base enemy, who loses no means, however low, to possess himself of the best territory of this country, and who abhors to the death its race and its religion.

If the means which I propose be not speedily adopted, your excellency may be assured that, before another year, the Californias will form a part of the American nation. Their Catholic institutions will become the prey of the Methodist wolves, and the whole country will be inundated with the cruel invaders; whilst I propose the means of repelling them, my propositions ought to be the more admissible, inasmuch as I have no personal interest in the affair, save the progress of the holy religion of God and the happiness of my countrymen.

As for the fidelity and adhesion of these to the Mexican government, I answer with my life; and according as may be drawn a sufficient number of colonists, (at least ten thousand men,) I am of opinion, and may assure with certainty, that this number will be sufficient to repel at the same time the secret intrigues and the open attacks of the American usurpers.

I have the honor to be your excellency's most respectful and obedient servant,

EUGENIO MACNAMARA, *Apos. Miss.*

To the most excellent
Senor President of the Republic of Mexico.

C.

[Translation of paper, marked No. 3.]

MINISTRY OF FOREIGN AFFAIRS, GOVERNMENT AND POLICY.

Mexico, January 19th, 1846.

Having heard the opinion of the council on the project of colonization in California, presented by you to the supreme government, the government, in accordance with the opinion of that body, has determined, that in view of the necessity which exists for some effective measures on that subject and on other concessions, proper for the action of the legislature, the matter will be referred, together with your memorial, to the chambers.

I state this to you for your information, remarking that the subject will be thus attended to in a convenient time.

God and liberty:

CASTILLO LAURAS.

Very Rev. Father MACNAMARA,
Apostolical Missionary.

D.

SANTA BARBARA, *July 1st*, 1846.

Eugenio Macnamara, native of Ireland, Catholic priest and apostolic missionary, respectfully represents to your excellency that he has arrived in this department, with the object of undertaking the establishment of a colony of his countrymen here; to which end he has received the benign co-operation of the venerable and illustrious archbishop of Mexico, and the cordial recognition of the supreme government, who have recommended me to come in person to this department, to select land adapted to the said object exhibited to your excellency, my object of colonization with the customary formalities.

I have the honor to present to your excellency my plan, which is, in substance, as follows:

I contract with this government, to introduce into this department, in the shortest time possible, two thousand Catholic Irish families, industrious and sober, the whole of whose number would be ten thousand souls, who, as soon as they arrived, would consider themselves bound by, and subject to the established laws, and to lend their services to the legitimate government in defence of California against all enemies who might invade her, maintain internal peace, and, in fine, dedicate their efforts to the prosperity and advancement of this country.

I solicit then, that your excellency will be pleased to adjudicate to me in ownership the land selected between the river San Joaquin, from its source to its mouth, and the Sierra Nevada. The limits being the river Cosumné on the north, and on the south, the extremity of the Tulares, in the neighborhood of San Gabriel.

I beg your excellency will be pleased to look favorably on my proposition, and to give the order that I have asked, which will undoubtedly tend to the happiness of California, and in a great measure to fulfil my ardent desires, to propagate the holy religion we profess, and at the same time to be useful to my countrymen.

EUGENIO MACNAMARA,
Mis. Apos.

Note on the margin of the preceding:

GOVERNMENT OF THE DEPARTMENT OF CALIFORNIA.
Santa Barbara, 1st July, 1846.

Sent to the excellent departmental assembly, that it will be pleased to give its advice upon the matter of the petition, and afterward return it to this government for its final action.

PICO.

D.

DEPARTMENT OF RELATIONS,
Mexico, August 11, 1845.

MY DEAR SIR AND ESTEEMED FRIEND: The Irish priest, Macnamara, goes to that department (California) with the expedition in charge of Señor Colonel Don Ignacio Yniestra, and takes a project for colonization with Irish families.

Among the very honorable persons who have recommended this ecclesiastic to me, the most illustrious archbishop has done so very earnestly; and desiring to gratify them in an affair that may be of advantage to the republic, I make the same recommendation to you, charging you to examine well his project, and inform the government of what he may offer, in order that it may determine what is suitable, and likewise that you facilitate him as far as in your power, and make his residence in the department agreeable.

I repeat that I am your very affectionate friend and servant,

LEWIS G. CUEVAS.

To Señor DON JOSE MA HIJAR, *Monterey*.

You will speak on the subject with his excellency the Señor governor, in order that, in view of his advice and opinion, the government may decide the more intelligently.

L. G. C.

E.

[Translation.]

PIO PICO, *Constitutional Governor of the Department of California.*

Whereas the priest, Don Eugenio Macnamara, has applied for the purpose of establishing a colony of Irish families, to be apportioned

lands in the interior of this department which are now waste, considering the advantage which would result to the country from the occupation of those regions hitherto desert, alike in the advancement of agriculture and the increase of commerce, the arts, and industry, and in the propogation of the faith, and that it would, at the same time, secure the department from the frequent incursions of the savages, who have heretofore diminished the wealth of the country by their repeated robberies; and, moreover, that the increase of the number of settlements by respectable families would preserve the national integrity and independence, supposing they would be so many more Mexican citizens, in which case they would add to the growth of the country.

Having first made the diligent examination required by the laws and regulations of colonization, using the powers which are conferred upon me in the name of the Mexican nation, and in accordance with the advice of the departmental assembly, I hereby concede, for the colonization of Irish families, the apportionment of lands which have been solicited by the said Father Macnamara, with the reservation of the approval of the supreme national government, and under the following conditions:

1st. There shall be conceded to the Irish colony the unoccupied lands which are found in the interior of the department beyond the twenty boundary leagues, (*fuera de las viente leguas limitrofes*,) on the river San Joaquin, from its source to its mouth, and the Sierra Nevada, the boundaries being the river Cosumne on the the north, and on the south, the extremity of the Tulares, in the vicinity of San Gabriel, within which limits the families who compose the colony may establish their settlement, under proper regulations, with the understanding that, although they shall have liberty to enclose what is set apart to each one, it shall be without prejudice to paths, roads, and public uses.

2d. The families who shall establish themselves shall have the free and exclusive enjoyment of the lands allotted to them, for such use or cultivation as they prefer; but they shall not, in any manner, have power, either separately or as a colony, voluntarily to alienate to any foreign nation, nor to pass to any other dominion, by hypothecation, or on any pretext whatever, unless with the consent of the Mexican nation.

3d. In the settlement which the said colonists may establish, they shall have power, should they have an excess of lands, to receive other inhabitants of any citizens or families whatever, resident in the department, or of other persons who may have the requisite prescribed by the laws, these latter to be considered as enjoying the privileges conceded to the respective municipalities in the commons and private lands allotted to each settlement.

4th. As there are to be three thousand families composing the colony, there shall be adjudicated to each one a single "sitio de ganado mayor" (4,428 acres) in the district aforesaid; and if this should not suffice they must be limited to that which is found. Should fewer than the three thousand families arrive, all the excess of land between those limits shall remain for the benefit of the nation, and may be allotted to Mexican families.

Wherefore I order that, holding this title to be firm and valid, it be recorded in the proper book, and be delivered to the interested party for his security and use.

Given at Santa Barbara, on common paper, on account of having none that is stamped, this fourth day of the month of July, year one thousand eight hundred and forty-six.

PIO PICO.

Recorded, &c.

JOSE MARIAS MORENO,
Secretary ad interim.

F.

ASSEMELY OF THE DEPARTMENT OF THE CALIFORNIAS,
Angelos, July 7, 1846.

MOST EXCELLENT SIR: Accompanying is sent to your excellency a copy of the report of the special committee, approved by this honorable assembly, in a sitting extraordinary of this day, relative to the project of colonization, presented to your excellency by the Senor Priest, Don Eugenio Macnamara; and inform your excellency that this body agrees with the sentiments expressed by your excellency, in your official of the 24th June last, expressing your opinion and great desire that the said enterprise should be carried into effect.

I have the honor to communicate it to your excellency, according to a resolution of the honorable assembly, and in reply to your note above mentioned; and at the same time to renew the most sincere considerations of my esteem. God and liberty.

FRANCISCO FIGUEROA,
President.
NARCISO BOTELLA,
Second Vocal.

To the most Excellent CONSTITUTIONAL GOVERNOR
Of the Californias.

WASHINGTON, *February* 4, 1848.

Having joined Lieutenant Colonel Frémont upon the 9th May, 1846, upon the northern end of the Clamette lake, I returned with him to the valley of the Sacramento, and arrived at the settlements upon the 24th of the same month. We could obtain no news from below; so soon, however, as it became known to the settlers that Captain Frémont had returned, they came to the camp, bringing us the information that the Indians of the valley were leaving their rancheros or wigwams and flying to the mountains. In some places they had shown a very hostile feeling, and certainly had been aroused by some foreign emissary. Remaining at Lassin's two days, we proceeded down the valley, and, on arriving at Neal and

Dutton's upon Deer creek, the reports we had received were confirmed; the Indians in that section having taken to the mountains, and had killed an Indian boy, in the employ of Mr. Dutton, because he had refused to follow them. On the day the camp remained at this place, the settlers, old and young, men and women, came to Captain Frémont, begging him to take part against the Indians, and to give them protection. He offered them all the protection in his power, but firmly resisted every appeal made to his feelings to take part against the Indians. I here left the camp, 28th May, to proceed to San Francisco to obtain supplies for the men, who were nearly destitute of provisions and clothing. It is true there was plenty of beef, but there was nothing else, not even salt, and flour was not thought of. On the 29th, I left Cordois, upon Feather river, in a canoe for Captain Sutter's, where I arrived in the night, and encamped at the landing. On the 30th, I was informed by Captain Sutter that it was positively true that General Castro had excited the Indians to a revolt, and to join the Californians in exterminating the settlers; that the Indians had been bribed to burn the wheat, (a very large crop,) then nearly dry, and ready for the sickle; and that it was General Castro's intention to attack and cut off Captain Frémont's party, if he possibly could.

I was obliged to wait until the 1st of June for Captain Sutter's launch to convey me down the river; and, in consequence of adverse winds, I did not reach San Francisco until the 7th. Here I learned that General Castro had gone to Sonoma to hold a council with the Vallejos, and to procure horses to commence his operations, which he endeavored to disguise under the rumor of making an attack upon the governor, Don Pio Pico, who had disapproved of General Castro's want of good faith in making his first attack upon Captain Frémont in March previous.

Captain Montgomery, of the sloop-of-war Portsmouth, having, with great kindness, promptness and energy furnished me with all the supplies he could spare from his vessel, as also having supplied Captain Frémont with a small sum of money, I left Sausalito in the Portsmouth's launch, commanded by Lieutenant B. F. Hunter, who was accompanied by Purser Watmough and Assistant Surgeon Duvall, the latter gentleman having volunteered to go to the camp to arrange Captain Frémont's medicine chest, and to render any assistance in his power.

We arrived at Sutter's landing at 12, p. m., of the 12th, and ascertaining the next morning that Captain Frémont was not at the appointed place of rendezvous, I decided to take the launch into the American fork and await a communication from him.

During the time we were waiting the arrival of Captain Frémont's party, news of the settlers rising to save themselves and their crops from destruction was confirmed. A party, under Ezekiel Merritt, had surprised a party of Californians, driving a band of General Castro's horses from Sonoma to San José, to mount a force to attack the people of the valley. An Indian had been taken prisoner, who had received a musket from General Castro for the express purpose of shooting Captain Sutter. The greatest excitement

prevailed, and every one considered that the war had been fairly commenced.

On the 13th June, Colonel Frémont arrived with part of his men, and encamped not far from our party at the landing.

On the 16th, Captain Merritt arrived with a small escort, bringing with him General Vallejo, Colonel Salvador Vallejo, Colonel Prudon and Mr. Jacob Leese, prisoners; a party of forty of the settlers having surprised and taken Sonoma, the first military garrison in that part of the country. The prisoners were not received by Captain Frémont, but were taken to Captain Sutter's fort, where they were confined.

On the 17th, the stores having been delivered to Captain Frémont, the launch of the Portsmouth returned, and we joined the main body encamped upon the American fork, about three leagues from the Sacramento. On the 20th, Messrs. Reading and Hensley arrive at the camp, bringing the positive information that General Castro had announced his determination to attack Captain Frémont as soon as he possibly could, and was organizing and preparing a force for that purpose. A courier also arrived, bringing the news that the small garrison at Sonoma was threatened with an attack by an overwhelming force, and begged for assistance. Lieutenant Misroom, of the sloop-of-war Portsmouth, had been to visit Sonoma, to ascertain the truth of the rumors of outrages committed upon the people of the country by the settlers, and he found to his perfect satisfaction that they were false, and without any foundation whatever. A settler by the name of Ide had issued a proclamation, setting forth the causes of the rising of the settlers, and declaring California independent and free from Mexican authority, and that he had hoisted a flag—a grizzly bear upon a white field—as the insignia of the new State.

Urgent appeals were now made to Captain Frémont to assist the settlers; and, as the safety of his own party depended upon prompt and energetic movements, he decided to march to the assistance of Sonoma, where we arrived upon the 25th, at 2.30, a. m. At this time we learned that the settlers, twenty-four in number, had had a skirmish with the Californians, seventy strong; had beaten them; had killed one and wounded four of the enemy, and had rescued two prisoners, whom the Californians were carrying off to Santa Clara. Some few days previous a party of Californians had seized two Americans, when on their road from Sonoma to Bodeza; had tied them to trees, and in the most brutal, cruel and inhuman manner had butchered them with their knives, three of the party rolling their sleeves to above the elbow, the better to perform their work.

A force under the command of a captain of Mexican cavalry, De la Torre, being on that side of the bay, and reports of reinforcements crossing at San Pablo, under General Castro, having reached Sonoma, Captain Frémont decided upon proceeding immediately to San Raphael to meet them. We arrived at the mission in the forenoon of the 26th. No force was there, but was upon the point of San Pablo, waiting an opportunity to cross to our side. During

the afternoon of this day letters were intercepted which disclosed their plans, and required De la Torre to send horses to the point the next morning, to mount eighty men who would be sent over at that time. Our force consisted of about 160 men. The enemy did not cross the straits. An Indian boy was found upon the point, with a letter from De la Torre to General Castro, announcing his determination to attack Sonoma the next morning, and urging the general to send him more force.

Captain Frémont returned to Sonoma, leaving a force to protect San Raphael. This movement, executed with so much promptness, alarmed De la Torre to such a degree that he fled with his command in the most cowardly manner to Sausalito, where he stole Mr. Richardson's launch and escaped across the bay, saying "*he would not fight the riflemen.*"

The flight of De la Torre and his men left the northern side of the bay, including the districts of Sonoma, Bodega, and Napa, free from all Mexican authority; and that section of the country, as also that of New Helvetia, was considered as American territory even by the Californians themselves, who became satisfied with the new order of things, and gave in their adherence to the new system. No outrages whatever had been committed by the settlers. Horses were the only property which had been taken, and these were used entirely in the public service.

About this time, June 30th, I learned that the junta which was to have assembled at Santa Barbara upon 15th June, and which had been planned and arranged by and through the agency of Mr. Forbes, the British vice consul, and an Irish Catholic priest, by the name of Macnamara, had been prevented from assembling in consequence of the rising of the settlers. This junta was proposed for the purpose of asking the protection of England, and of giving an immense tract of land in the valley of the San Joaquin, for the settlement of ten thousand Irishmen, to be brought to California under the direction of Macnamara. All this intrigue of British agents was broken up by the timely and prompt operations of the settlers, under the direction of Captain Frémont.

We returned to Sonoma upon the evening of the 4th of July, when the anniversary of our independence was celebrated for the first time in California, by salutes during the day and a ball in the evening. On the 5th July, the people were called together to organize and form themselves into companies and a battalion. Four companies were formed and the battalion organized; the strength consisting of two hundred and twenty-four men. This being accomplished, it was decided to leave one company to protect Sonoma, and that Captain Frémont should return with the remainder to the Sacramento, and make preparations for the campaign to follow up General Castro towards the south. Parties were sent in different directions to bring in the horses fit for use, not only for the purpose of obtaining them for public service, but also to keep them from the enemy. The largest number of horses obtained was from the estate of General Vallejo; some from that of Colonel Vallejo, and others from that of Jacob Leese; a few horses were also taken

from other estates, but in very small numbers. I cannot state the precise number, but my impression is that seven hundred would cover the whole amount; the average value of which would be not less than $30 per head.

Some five hundred head of beef cattle were taken from the government stock farm at Suscol to the Sacramento, for provisions for the force; the average cost of these, I think, would be $6 per head.

Some saddles, bridles, and spurs were taken in the district of Sonoma; the number I do not know; however, they were not many, and an average of $35 would cover this expense.

On the 10th July we arrived at Sutter's fort, where preparations were immediately made to remount the field artillery taken at Sonoma. The blacksmiths and carpenters went to work with promptness and activity. Flannel for cylinders could not be procured. A woman sold me the blanket from off her bed to make the cartridges for one gun. At about sunset an express arrived from below bearing an American flag to be hoisted at the fort, and a proclamation from Commodore Sloat, announcing the commencement of hostilities with Mexico, and the taking of Monterey. The bear flag had been hauled down at Sonoma, and the American flag run up in its place immediately upon the arrival of the news. The flag brought by the express was hoisted at Sutter's fort at sunrise, upon the 11th July, under a salute of 21 guns; and the settlers throughout the country received the news with rejoicings of great joy and gladness.

Thus, by the prompt and energetic movements of Captain Frémont, was not only his own party and the settlers saved from destruction, the beautiful wheat crop saved from the firebrand, and the large emigration arriving in the country spared the horrors of want, but the United States was placed in immediate possession of the most important points in the northern country, besides receiving from the settlers several pieces of fine Spanish artillery, and a large quantity of ordnance stores.

All the property taken by the settlers, of whatever kind it might have been, was immediately transferred to the United States, and was afterwards used in the two campaigns which followed.

The foregoing statement is made as the first part of my evidence in relation to the expenditures in California.

ARCHD. H. GILLESPIE,
Captain U. S. Marine Corps.

P. S. I have omitted to state above, that when in camp at Neal and Dutton's, upon Deer creek, upon the 28th of May, a courier was received from Captain Sutter, informing Captain Frémont and myself that "two Spaniards (Californians) had been sent by General Castro amongst the different tribes of Indians, and that this was the cause of their flying to the mountains, they having been excited against the settlers."

Respectfully submitted:

ARCHD. H. GILLESPIE.

In reply to the inquiry of the honorable committee "whether I was charged with any message or mission from the government to Captain Frémont, when I joined him on the Tlamath lake in the beginning of May, 1846, and if so, what it was," I beg leave to state, that early in November, 1845, I received orders from the President and Secretary of the Navy, Mr. Bancroft, to proceed to California by way of Vera Cruz, and the shortest route through Mexico to Mazatlan, with instructions to watch over the interest of the United States in California, and to counteract the influence of any foreign or European agents who might be in that country with objects prejudicial to the United States. I was the bearer of the duplicate of a despatch to the United States consul at Monterey, T. O. Larkin, esq., as also a packet for J. C. Frémont, esq., and a letter of introduction to the latter gentleman from the honorable James Buchanan, the former I destroyed before entering the port of Vera Cruz, having committed it to memory. The packet and letter of introduction I delivered to Captain Frémont, upon the 9th May, 1846, in the mountains in Oregon. I was informed that I would probably find Captain Frémont upon the Sacramento, and was directed to confer with and make known to him my instructions. It was desirable we should act in concert, and great vigilance and activity was expected of both.

I passed through Mexico as a merchant, at a time of great excitement, just previous to the commencement of hostilities; and, unfortunately, was detained in the city of Mexico by the revolution of General Paredes, in December of 1845, and afterwards having been sent to Monterey by Commodore Sloat, by way of the Sandwich islands, I did not reach California until one month after the time I had contemplated and desired. Soon after my arrival at Monterey, I proceeded to the Sacramento in search of Captain Frémont, and upon reaching Lassin's, then the last settlement in the northern part of the valley of the Sacramento, on the 1st May, I ascertained that Captain Frémont had left for Oregon eight days previous. As I supposed his camp would travel slowly through the mountains, I determined to follow him; and with a party of six men, including myself and negro servant, I started upon Captain Frémont's trail upon 2d May, much against the earnest appeals and advice of the settlers, who informed me that the Indians, through whose country I would have to pass, were very hostile, and would, in all probability, defeat so small a party. However, considering their fears somewhat exaggerated, I determined to overtake Captain Frémont at all hazards. Upon 7th May, finding the signs of the camp very fresh, I ordered two of the men, Neal and Sigler, to proceed ahead upon the best and fleetest horses, to overtake and inform Captain Frémont of my approach. I arrived at the Tlamath lake at sunset of the same day—our provisions were exhausted and game could not be found—not being able to ford the river, the outlet of the lake, I determined to encamp upon its banks, hoping to hear the next morning from my men, or receive a message from Captain Frémont, whom I supposed at no great distance from me. We remained here until the morning of the

9th, full forty hours, without anything to eat, when, at about 8 o'clock, a party of Indians came to us, a chief bringing me a fresh salmon just from the lake. They, also, brought two canoes and took us across the lake, and showed every disposition to be friendly. Riding about thirty miles over the mountains, I came to a party, at about sunset, which proved to be Captain Frémont, with nine of his men, who had rode sixty miles that day to meet me; Neal and Sigler having barely escaped from the Indians, and reported to Captain Frémont that "they feared I could not get to him."

I delivered my letter of introduction and the packet intrusted to me to Captain Frémont, and made him acquainted with the wishes of the government, which were the same as stated above for my own guidance. Considering the Indians as friendly disposed, from their attention and civility to me, no watch was kept, and, unfortunately, at about 11 o'clock, the Indians made an attack upon our camp, killed three and wounded one of Frémont's men. One Indian was killed, and when day light appeared he proved to be the chief or brave who had brought me the salmon at the river and had ferried us across the lake. The Indians had followed on my trail, and but for the promptness of Captain Frémont, my small party would have been overpowered by superior numbers and killed. On the 11th we joined the main camp, and arrived in the valley of the Sacramento upon the 24th May, as has been stated in my testimony already given.

In answer to the second inquiry, "Did you know or understand, from credible report, that the Californian authorities were granting or selling the national domain, or the Mexicans, and on what terms, and what effect, if any, the revolutionary movement may have had in stopping these sales," I beg leave to state, that the Californian authorities did grant and sell the national domain to foreigners, residents and non-residents of the country for sums far below the value of the property, and were prevented from making a full conveyance of the same by the sudden and unexpected rising of the settlers in the north. The large and beautiful mission of San Luis Rey was sold to a Spaniard, by the name of Cot, a merchant from Lima, Peru, for the small sum of $6,000, certainly worth $50,000. The mission of San Gabriel was sold to an Englishman, by the name of Reed, for a trifling sum, although one of the richest and most extensive in the country.

It was conceded by every one in California that the revolution in the north stopped and prevented the sale of much government property in every section of the country.

Respectfully submitted.

ARCHIBALD H. GILLESPIE,
Captain U. S. Marine Corps.

WASHINGTON, *February* 8, 1848.

P. S. The sales of the property mentioned above, took place in the months of June and July, 1846, when the revolutionary move-

ment in the north was going forward, and just previous to the commencement of hostilities with Mexico.

Respectfully, &c.,

ARCHIBALD H. GILLESPIE,
Captain U. S. Marine Corps.

Sworn to before me this 19th of February, 1848.

LEWIS CASS.

Question by the committee to Major Gillespie.

"Were you present at the interview between Commodore Sloat and the (then) Captain Frémont? and, if so, what was said between them in relation to the subject of hostilities in California?"

In reply to the above question of the honorable committee, I beg leave to state, that, at an interview between Commodore Sloat, Captain Frémont, and myself, held on board of the United States frigate Savannah, lying in the harbor of Monterey, in July, 1846, Commodore Sloat manifested a feeling of dissatisfaction that Captain Frémont and myself had not reported ourselves and the force under our command to him, and said, addressing both, as near as I can recollect, "I do not know by what authority you are acting, I can do nothing. Mr. Gillespie has told me nothing; he came to Mazatlan, and I sent him to Monterey, but I know nothing. I want to know by what authority you are acting?" Captain Frémont replied, "He had acted upon his own authority, and not from orders of the government." Commodore Sloat then expressed much surprise and distress, and said, "I have acted upon the faith of your operations in the north."

Respectfully submitted.

ARCHIBALD H. GILLESPIE.

WASHINGTON, *February* 22, 1848.

In answer to the first inquiry of the honorable committee, "Were you charged with any verbal instructions or communications to Colonel Frémont from the government at Washington, or any officer thereof? and if so, please state those instructions or communications, and from whom received?" I have to state, that I was directed by Mr. Buchanan to confer with Colonel Frémont, and make known to him my own instructions, which, as I have previously stated, were, to watch over the interest of the United States, and counteract the influence of any foreign agents who might be in the country with objects prejudicial to the United States. I was also directed to show to Colonel Frémont the duplicate of the despatch to Mr. Larkin, consul at Monterey.

In answer to the second inquiry, "You have said that you communicated the *wishes* of the government to Colonel Frémont; state particularly what you did communicate to him as the wishes of the government?" I beg leave to state, that the answer above contains, as near as I can recollect, what I communicated to Colonel Frémont; telling him, at the same time, that it was the wish of the

government that we should conciliate the feelings of the people of California and encourage a friendship towards the United States.

In reply to the third inquiry, "You have stated in a former part of your deposition that 'all this intrigue of British agents was broken up,' &c.; state all the knowledge you have of the existence of that intrigue by British agents, or upon what information you believed in its existence and its effect?" I beg leave to state, that I have stated in my deposition already given, that a junta or convention was to have assembled at Santa Barbara, upon the 15th June, for the purpose of taking into consideration the state of the country, and (it was currently reported) to ascertain the feeling of the people in relation to asking the protection of England; that it was gotten up through the agency of Mr. Forbes, the English vice-consul, and an Irish priest, by the name of Macnamara, who was endeavoring to obtain a grant of an immense tract of land for the purpose of bringing to California ten thousand Irish emigrants. My principal informant was a Mr. Jacob Luse, brother-in-law of General Gaudaloupe M. Vallejo—the latter gentleman having been nominated as a deputy from Sonoma district, and had refused to serve. Mr. Larkin also informed me that he had had several conversations with General Castro upon the subject of the California government seeking protection of England—General Castro being inimical to the United States; and further, the subject of the transfer to England, and of Mr. Forbes and Macnamara's using all their influence to accomplish that object, was the topic of common conversation throughout the country after the rising of the settlers in the north.

Respectfully submitted.

ARCH. GILLESPIE.

WASHINGTON, *February* 16, 1848.

Captain Samuel Hensley's statement.

I am a resident in California, where I have resided since the autumn of 1843. In the month of May, 1846, I went to San Francisco, where I met with General Vallejo, one of the most prominent and influential men in upper California. I understood from him that he had recently attended a convention, composed of General Castro, himself, and five others, delegates from the different districts in California, at which the proposition had been made and debated, to separate from Mexico, and establish a government in California, under the protection of some foreign power, believed by us to be England; but, as the general positively stated, the majority was not in favor of placing the country under the protection of the United States, though he himself was. General Vallejo was of course guarded in conversing on so dangerous a subject as this was at that time; but the above is the substance of his remarks, as understood by myself and others who heard them.

I returned to Sutter's fort, in the Sacramento valley, in a few days after seeing General Vallejo. Captain Sutter informed me

that there was great excitement among the Indians in the neighborhood; that he had sent for the Seguamne chief, who had recently been among the Californian settlements. I awaited his coming; and, on his arrival, Captain Sutter examined him as alcalde and principal magistrate in the district. The chief stated that he had seen Castro during his visit to the settlements, and that Castro had made him great promises, on condition that he would excite the Indians to burn all the wheat crops of the American emigrants, as he intended to drive all the Americans out of the country in a short time. About this time I heard that Captain Frémont had returned from the northward, and was then in the upper part of the Sacramento valley. I immediately repaired to his camp, where I informed him of all that I had learned respecting the condition of the country and the designs of the leading men among the Californians, giving it as my opinion that the American residents would have to leave the country, or fight for their homes; at the same time saying I was sure we would not leave the country.

Captain Frémont resolved to join the Americans for their safety, and to overthrow the Mexican forces in that province. About the same time Mr. Neal arrived in Captain Frémont's camp from San Francisco, by way of Sonoma, and reported that the whole California population was greatly excited against the Americans, and as he was known to have belonged to Captain Frémont's party, he did not consider himself safe among them, and had avoided them in travelling. Neal and myself then started to give notice to all the American settlers in the valley to meet together and take measures for our common safety. Captain Frémont's camp was appointed the place of meeting. A party of twelve or fifteen had assembled, and while waiting for others, who had a greater distance to come, Captain Frémont received intelligence that a party of soldiers had been collecting horses in the neighborhood, for Castro's command. Captain Frémont immediately despatched a party to take and bring back the horses; which they did, and dispersed the party in charge of them. They took the captured horses to Captain Frémont's camp, on Bear creek, and then set out to surprise Sonoma, which they effected, and returned with their prisoners to Captain Frémont's camp, near Captain Sutter's fort. The prisoners were sent to the fort, and Mr. Kerne, one of Captain Frémont's party, left in command of the fort.

Captain Frémont then despatched me to communicate with Dr. Marsh, an old American settler on the south side of the bay of San Francisco; I there learned, from good authority, that Castro was collecting a large force in the vicinity, proclaiming his intention to drive all the American settlers and Frémont out of the country. I returned with this intelligence to Captain Frémont's camp, where I informed him of what I had learned. At the same time Captain Frémont received an express from Sonoma, that a large force of Mexicans, under Joaquin de la Torré, were crossing the bay, to retake that place, and asking him (Frémont) for assistance in defending themselves in the town. He immediately started with all of his own party and many of the settlers, who joined his camp. I went along with the settlers. We found the town in possession of the

Americans, they having defeated Joaquin de la Torré the day previous to our arrival, and captured a good many horses.

The fourth of July was duly celebrated, and on the fifth we organized the "California battalion," adopting the "grizzly bear" as our emblem, requesting Captain Frémont to take command of the battalion, and of all the forces and resources of the country, which command he accepted. As soon as it was known that Captain Frémont had accepted the command, the Californian population seemed to become well pleased with the change in affairs, and brought in their property and means of warfare, which they placed at Frémont's disposal. He restored to them, and to the American settlers, all the horses which had been previously captured or pressed into the service by the Americans, retaining only a number sufficient for the actual wants of the service. He then set out with the battalion in pursuit of Castro, by way of the Sacramento, sending me with a small party to communicate with Dr. Marsh. When I arrived at Marsh's, I learned that war had been declared between the United States and Mexico, and that Commodore Sloat had arrived at Monterey and raised the American flag. Returning with this intelligence, I found that Captain Frémont had already learned it, and was on his way to Monterey. I followed and joined him at the mission of San Juan, near Monterey.

After the City of Angels was taken by the United States forces, Captain Gillespie was left in command, and I acted as assistant quartermaster to the troops stationed there. After the insurrection broke out in September, 1846, provisions and supplies of all kinds could only be obtained at the most extravagant prices, the whole surrounding country being in the hands of the enemy.

In November, 1846, after the City of Angels had fallen into the hands of the enemy, I was directed by Commodore Stockton to go into lower California, and get horses, mules, cattle, saddles, and saddle rigging. I was directed to proceed by sea, and accordingly went on board the "Stonington," and disembarked at San Domingo, in lower California. In landing we swamped two boats, with the loss of seven or eight rifles, several pistols, blankets, and many articles of clothing belonging to the men of my command. I gave the owners a certificate of the loss. We succeeded in getting one hundred and forty head of horses and mules, about three hundred head of cattle, some saddles and saddle rigging. I fixed the prices and receipted for all, except the cattle. The cattle belonged to Juan Pandini, who was in San Diego at the time, and arranged the price, as I understood, with the purser of the United States frigate Congress, at $10 each.

A few days before the command left San Diego for the Ciudad de los Angeles, a lot of horses was received from Juan Maria Maron, for which he charged $40 each, I do not know what price was allowed him.

After the formation of the civil government of California by Commodore Stockton, in January, 1847, I was appointed by Governor Frémont, commissary of subsistence to the California bat-

talion, in which capacity I made such purchases as were necessary for the subsistence of the troops, paying for the articles purchased by giving my official certificate of the amount due. In discharge of this duty, I purchased of Ulogia de Celez six hundred head of beef cattle, at $10 each, Celez also furnishing as part of the same transaction, twenty-five hundred dollars in cash to Governor Frémont, for the use of the United States government, the whole amount of the loan and the price of the cattle, was agreed on our part, to be paid to him within six months thereafter, if not, to bear interest from that date till paid. Soon after this purchase the California battalion was disbanded, and .Governor Frémont ordered me to retain possession of these cattle until he could know whether those succeeding him in command would become responsible for the contracts made under his authority. When it was ascertained that his successor would not become thus responsible, Governor Frémont directed me to place the cattle in safe keeping, where they might remain as some security to Celez for the amount due him. I accordingly placed the cattle in charge of Abel Sternes, a responsible man, who agreed to keep and be responsible for them, for one half of their increase. There was also left in that country about sixteen hundred pounds of sugar, in the possession of John Rowland, near the city of Angels, and also a quantity stored in Santa Barbara.

Statement of the average prices of military supplies of all descriptions in California before and during the war..

Horses and mules, from	$25 to $35.
Saddles, complete, from	30 to 40.
Bridles	6 to 10.
Spurs	6 to 10.
Botas	4 to 8.

All of which are necessary in that country.

Rifles, from	$50 to $100; very scarce.
Powder	2 per pound.
Lead	37½ cents per pound.
Percussion caps	$10 per thousand.
Beef cattle	8 to $10 per head.
Flour	10 per hundred pounds.
Sugar	37 to $50 per hundred pounds.
Coffee	50 per hundred pounds.

I was present when the California battalion was mustered into the service of the United States, and the men then positively refused to serve for eleven dollars per month. They remained in the service without any rate of pay being specified until, in August, 1846,

at the City of Angels, Colonel Frémont ordered me to inquire of my company at what rate of pay they would consent to remain in the service. They unanimously demanded twenty-five dollars per month, and refused to remain any longer in service unless that amount was promised them. I considered the rate of pay demanded by the men as reasonable for that country, and under all the circumstances.

Question to Captain Samuel Hensley.

Did you know, or understand from credible reports, that the Californian authorities were granting or selling the national domain or the missions, and on what terms; and what effect, if any, the revolutionary movement may have had in stopping these grants and sales?

Answer. I did understand from general report that the authorities in California were about to grant certain tracts of land in California to an Irish priest, for the purpose of establishing a colony of British subjects, the said Priest Macnamara having been brought to California in an English vessel of war; and my impression is, that the timely movements on the part of the settlers in the north, Colonel Frémont, and others, prevented the conclusion of the transfer. I was also credibly informed that the missions of San Luis Rey and San Gabriel were sold for sums far below their value, more for the purpose of keeping them from the possession of the United States authorities than the money they might produce.

Respectfully submitted.

SAML. J. HENSLEY.

WASHINGTON, *February* 9, 1848.

Question to Captain Hensley.

As you were commissary and quartermaster, and therefore intimately acquainted with the supplies obtained by the troops, and with the general expenses of the whole conquest of California from the beginning, under the flag of independence in the north, to the suppression of the insurrection at Los Angeles in the south, you can form an opinion of the whole sum which the just claims upon the United States would amount to. Will you state that amount?

Answer. Previous to leaving the City of Angeles, Major Reading, acting as paymaster, and myself, made an estimate of the amount due in that country. From the best information which we could obtain, we made the total amount seven hundred thousand dollars. Major Reading was operating in the north with Colonel Frémont, and myself with Commodore Stockton in the south.

Very respectfully, your obedient servant,

SAML. J. HENSLEY.

Sworn to before me, this 19th day of February, 1848.

LEW. CASS.

Question to Captain Owens.

Were you one of the topographical party under the then Captain Frémont, when he returned to the Sacramento from the Tlamath lake; and what do you know of application from the American settlers to Captain Frémont for protection and aid; and how far such aid and protection was instrumental in producing the revolutionary movement which led to the declaration of independence at Sonoma?

Answer. I joined Captain Frémont on the Upper Arkansas, in August, 1845, and was one of the topographical party under him when he returned from the Tlamath lake to the Sacramento. When we returned to the valley we found the people expecting an attack from the Californians, and in fear of an outbreak among the Indians, which they expected every hour. The report was, and it was generally believed, that Castro had instigated the Indians to rise and burn the crops of the settlers. Proclamations had been sent out ordering the Americans to quit the country, or that they would be driven out by a certain time. It was known that troops had been collected at Santa Clara, and that General Castro had come over into Sonoma, for the purpose of raising a body of Spaniards and Indians to come out against the emigrants and Captain Frémont's party. The settlers made many applications for help to Captain Frémont, on the ground that they were American citizens. We went down and camped at the Buttes, about sixty miles above Sutter's. There was a good deal of correspondence between the settlers and our camp, and as the danger seemed near at hand, and there was no other way to get out of it, it was finally agreed to join the settlers and fight the Californians. In this way the revolution began. The settlers were driven to it in self defence. But I do not think that it would have taken place, or that they could have been united together, without the aid and protection of Captain Frémont. They had not confidence enough in their own strength, to undertake the war without support. Captain Frémont's party was strong and well armed, and went together like one man. The strength of this party, and the name of Captain Frémont as a United States officer, gave confidence and kept the people together both during the revolution and in the war afterwards.

It was also known in the camp, and commonly in the country, that Lieutenant Gillespie had brought despatches to Captain Frémont, which made him turn back from the Tlamath lake, and it was commonly believed that he had some orders for what he was doing.

RICHARD OWENS.

We, the undersigned, joined the topographical party and the revolutionary forces at different times. We were in California

during the revolution and the war which followed it, and concur in the truth of the above statement.

JEROME C. DAVIS,
A. GODEY,
MARION WISE,
JOSIAH FERGUSON,
R. E. RUSSELL,
RISDON A. MOORE.

Sworn to and subscribed before me, this 22d February, 1848.

LEW. CASS.

Question to R. Owens.

Did you know or understand from credible report that the Californian authorities were granting or selling the national domain or the missions, and on what terms, and what effect, if any, the revolutionary movement had in stopping these grants and sales?

Answer. I did understand from credible report that the Californian authorities were making large grants of land, and selling the missions of the public domain, at very reduced prices. A large grant of land was made to an Irish priest, on the condition, as I understood, that he was to bring emigrants from home to settle it.

The revolution put an entire stop to such grants and sales, to the best of my knowledge.

R. OWENS.

Sworn and subscribed to before me, this 22d day of February, 1848.

LEW. CASS.

Deposition of Wm. N. Loker.

About the time Castro was raising men to drive Colonel Frémont out of the country, I was staying at Sutter's fort in the Sacramento valley; there was also a considerable number of American settlers around and near the fort, and Castro's movements created a good deal of excitement, so much so, that many of them wanted to go to Frémont's assistance immediately, and would have gone had not the colonel and his party arrived on the American fork; after he had left for the Tlamath lake, there was a good deal of talk about England taking possession of the country, and many foreigners of the highest standing in the country asserted that they knew that England had a mortgage on it; and that a British man-of-war was on the northwest coast, and would be down in the course of the summer to take possession of California. Soon after Colonel Frémont left, Major Gillespie arrived, started after, and brought him back, then commenced the revolution; which, had he not countenanced and aided, I know not what would have been the consequences to the American settlers, (women and children included;) for, just before his return, there was a meeting of the

principal men of the country at Monterey; they there thought it advisable to order all foreigners to leave the country, and published a *banda* to that effect, ordering all foreigners to leave the country by a certain day, or force would be used to compel them to leave; women and children were included in the banishment; and Colonel Frémont returning in the country about that time, and finding the men in the valley much excited, and the alarm of the women, could not have acted otherwise than he did.

The *banda* was translated and sent up the valley, and I put one of them up at Sutter's fort. Castro also excited the Indians against the Americans, by telling them that they would take all their land from them ; and a couple of Castro's officers took down to Monterey with them an Indian of the Mokèlumné tribe, by the name of Eusebio, a weaver by trade, made him presents, and induced him to burn the wheat of the settlers in the Sacramento valley ; among the presents was a musket given him by Castro, for the purpose, as we heard from an Indian to whom Eusebio told it, of killing Captain Sutter ; and on Eusebio's return from Monterey he commenced exciting his tribe and others to join him, by which act himself and several of his tribe lost their lives. These are all the circumstances of any consequence I can recollect immediately preceding the revolution. I first joined Captain Frémont at his camp on the American fork, and was with him from the first campaign against Sonoma throughout the war, and accompanied him home as one of his topographical party.

WM. N. LOKER.

WASHINGTON, *February* 14, 1848.

We did understand from credible authority that the above statement is correct, and we are personally knowing to several of the above circumstances.

THOS. E. BRACKENRIDGE.
MARION WISE.

Sworn to and subscribed before me, this 18th February, 1848.
LEWIS CASS.

WASHINGTON, *February* 9, 1848.

GENTLEMEN: I am a midshipman in the United States Navy, and in the month of July, 1846, I was attached to the United States frigate Savannah, the flag ship of our Pacific squadron, then under the command of Commodore John D. Sloat. On the second day of that month we arrived in the harbor of Monterey. Upon our anchoring, the commodore despatched an officer on shore to tender the usual civilities, (which the courtesy and etiquette of nations at peace require,) by offering to salute the Mexican flag.

This officer, who was Lieutenant Carter, of the navy, (I think,) returned with the reply, that they could not return the salute if fired, either from want of powder or guns, I do not recollect which.

It was a matter of great surprise on the part of many officers of the squadron, that the commodore should have tendered these civilities, knowing, as we all did, that the Mexican government had already commenced offensive operations against our army on the Rio Grande, and that the squadron of the United States were blockading the coast of Mexico on the Gulf; and it was not until the arrival of a launch, sent by Commander J. B. Montgomery, from San Francisco, that Commodore Sloat determined, *publicly*, to take possession of California. What the nature of the communication was, brought by her, I do not know, but the impression at the time was, that it had some reference to Colonel Frémont's movements in the north. The launch arrived under the command of Passed Midshipman N. B. Harrison of the navy, on the fifth of July; left for San Francisco on the sixth, and the flag of our Union was hoisted on the morning of the seventh, at about nine, a. m., without opposition.

On the sixteenth of the same month Admiral Seymour, who had been following us for several months previous, arrived and anchored, in his flag ship, the Collingwood, (80.)

Upon his vessel appearing in sight, Commodore Sloat sent orders, I understood, to the commanders of the different vessels comprising our squadron, to be in readiness, in case the admiral should be entering with hostile intentions, or an order to that effect, leaving the impression on the minds of his officers, that Admiral Seymour must have intended to have prevented our squadron from taking possession of California. Although such had been our impression previously, and, but for the timely movements of Colonel Frémont and his party in the north, thereby influencing the commodore in his movements, such, I fear, would have been the result.

Whilst our forces were in possession of Monterey, I was connected with the sailors and marines of our squadron, until the month of September, in the latter part of which I was ordered by Commodore Stockton to repair to San Francisco, with Acting Lieutenant McLane, of the navy, for the purpose of establishing an artillery company. Shortly after our arrival there, information reached the commodore of an insurrection in the south, and he then directed me to enlist as many men as I could to join Colonel Frémont, and proceed south in the barque Sterling, a vessel he had chartered for that purpose. After performing that duty, by enlisting as many men as could be obtained, I joined and reported to Colonel, then Major Frémont, on board the Sterling, in which vessel we left San Francisco on or about the fourteenth of October, for Santa Barbara. On our way down we met and spoke the American ship Vandalia. I was sent on board by Colonel Frémont, to learn the news; Mr. Howard, the supercargo, returned with me, and from him Colonel Frémont received the information that the force under Captain Mervine had been defeated; that it was entirely owing to his not having artillery on the march against the enemy, and that the southern part of the country was in possession of the enemy. Hearing this, Colonel Frémont determined to return to Monterey, and send to the Sacramento for his cannon, horses, and

reinforcements of men. We arrived at Monterey, I think, on the 27th of October, and after making every exertion to collect carriages and other articles to mount our guns, and resorting to almost every expedient to arm and equip our men, laboring, as we were, under the disadvantage of being in an enemy's country, almost without resources or means; left on the sixteenth of November for the valley of San Juan, where we were detained until the end of November, waiting for Colonel Russel, who had been despatched to the north for the purpose of enlisting emigrants recently arrived in the country, and for Captain McLane, who was at Gilroys on duty connected with the mounting and equipment of our artillery. Upon their arrival we took our departure for the south, and after making a secret and difficult march, succeeded effectually in surprising the mission of San Luis Obispo, where it had been generally understood a large body of the enemy were stationed. Unfortunately they were not there, and we only succeeded in capturing Don Jesus Pico, one of their captains, and a small party of men. Don Jesus, who had recently signed his parole, was tried and condemed to death, but Colonel Frémont, from some peculiar circumstances attending his case, pardoned him, and the result proved that he acted wisely in so doing, although the impression at the time was, that the colonel was acting with too much clemency towards the Californians generally. After leaving San Luis, we proceeded on our march in search of the enemy, a march characterized by hardships and sufferings almost unparalleled; our men were frequently without provisions after toiling from morning until night, barefooted, and almost without clothing, in the most inclement season of the year in that country. Yet, under all these trying circumstances, they performed their duty faithfully and cheerfully, giving evidence of an interest and self-devotedness to the cause in which they were engaged. We had frequent skirmishes with parties of the enemy until the capitulation of Cowenga, which acted almost magically in restoring peace and tranquility to the country; and but for that capitulation, so beneficial in its results, my impression is, that the Californians would have carried on a system of guerilla warfare, by which many lives and much property would have been sacrificed. After the capitulation we arrived at the Puebla de los Angeles, where the events occurred already made public, by the proceedings of the late court martial.

Very respectfully, your obedient servant,

JOHN R. WILSON,
Mid'n, U. S. N.

To the honorable members of the
COMMITTEE ON MILITARY AFFAIRS.

Sworn to before me, this 19th February, 1848.

LEWIS CASS.

Question to J. K. Wilson.

Did you know, or understand from credible reports, that the Californian authorities were granting or selling the public domain, or the missions, and on what terms; and what effect, if any, the revolutionary movement had in stopping these grants and sales?

Answer. I did understand, from general report, that the Mexican government were about to grant certain tracts of land in California to an Irish priest for the purpose of establishing a colony of British subjects, the said priest having been brought to California in an English vessel of war; and my impression is that the timely movements on the part of Col. Frémont and others prevented it.

J. K. WILSON,
Midshipman, U. S. N.

Question to Mr. Wilson.

Please state all that you know about the Catholic priest Eugene Macnamara; under what auspices he came into the Californian territory; and as much of his transactions with the authorities of that country as came to your knowledge, &c., &c.

Answer. It is my impression that the Catholic priest, Eugene Macnamara came to California from the west coast of Mexico, in an English man of war. I recollect seeing him at Monterey about the time H. B. M. ship Collingwood arrived, engaged, it was said, in negotiations with the English admiral, Seymour, in relation to a grant of land which had been made to him by the Mexican government, for the purpose of establishing a colony of British subjects. In regard to his transactions with the authorities of California I know nothing positive.

J. K. WILSON.

The undersigned, a lieutenant in the navy of the United States, has the honor to make the following answers to the interrogatories put to him by your honorable committee:

The undersigned, being in command of the southern district of California, during the latter part of 1846, was informed by Pedro C. Carrillo, (and he believes the information thus obtained is founded on facts,) that he, the said Carrillo, was a member of a junta that assembled at Santa Barbara, in June, 1846, for the purpose of declaring the independence of California, and of asking the protection of the United States or Great Britain; that the junta was represented by all of the inhabited portions of California; that a majority of the same were for claiming the protection of England; that their resolves would probably have been executed, had it not been for the war and their fears of an armed force, then on the north side of the bay of San Francisco, under the command of Captain Frémont. The undersigned has understood, from other sources

entitled to confidence, that a majority of the people of California desired the protection of England; the opinion he thus formed was strengthened by the fact, that an English frigate (the Juno) had, about the time the junta met, landed an English subject named Macnamara at Santa Barbara, of whom it was said that he had obtained a grant from the Mexican government of a large and fertile portion of California, embracing the whole valley of the San Joaquin, from its source to its mouth; a valley, as the undersigned believes, comprising one-third of the richest portion of California. The undersigned believes that the British squadron in the Pacific, commanded by Rear Admiral Sir Geo. T. Seymour, composed then of a larger force than they ever had upon that ocean, were employed in closely watching the movements of the American commodore; being aware of this fact, Commodore Sloat, when he heard of the first battle on the Rio Grande, got underway in the frigate Savannah, then anchored off Mazatlan, for the ostensible purpose of proceeding to California; an English vessel of war weighed soon after the Savannah, and stood in the direction of San Blas, where it was known the admiral was; after cruising in the Gulf two days, the commodore returned to his anchorage off Mazatlan, when another English ship got underway, and stood in the direction of San Blas. The undersigned believes that this manœuvre of Commodore Sloat was intended for the deception of the English admiral. On the 8th of June, 1846, the Savannah again made sail, and, after a passage of twenty-three days, during which a press of canvass was carried, she arrived at the port of Monterey, in upper California. The Collingwood of eighty guns, the flag ship of Admiral Seymour, entered the harbor on the 15th of July, and the undersigned believes that the admiral was disappointed when he saw the American flag flying on shore.

The undersigned was on duty on shore when Captain Frémont arrived with his force at Monterey from the north. The undersigned believes that the appearance of this body of men, and the well-known character of its commander, not only made a strong impression upon the British admiral and officers, but an equally impressive and more happy one upon those of the American navy then in Monterey. For himself the undersigned can say, that, after he had seen Captain Frémont's command, all his doubts regarding the conquest of California were removed.

Question. Do you know anything of the arrival of a launch from the bay of San Francisco before Commodore Sloat took Monterey; and also whether he heard anything by that launch, or through the consul, Thos. O. Larkin, or otherwise, of the operations of Captain Frémont on the north side of the bay of San Francisco?

Answer. A launch of the United States ship Portsmouth arrived at Monterey on the 5th of July, with a despatch from Captain Montgomery to Commodore Sloat. I do not know what the contents were; but I have always supposed they confirmed the information received from Thos. O. Larkin, the American consul, regarding the operations of Captain Frémont on the north side of the bay of San Francisco. My belief is, that the news communicated

by the launch hastened the occupation of the country. The launch returned on the 6th of July, and Monterey was occupied on the 7th.

Question. In what character, as friend or enemy, did Commodore Sloat enter the bay of Monterey, and how many days was he there before he took the town?

Answer. Commodore Sloat entered the harbor of Monterey on the second of July, in the apparent character of a friend; a salute was tendered to the authorities on shore; the town was occupied on the fifth day after the arrival of the commodore.

GEORGE MINOR,
Lieutenant, U. S. N., February 14, 1848.

To the Honorable LEWIS CASS,
Chairman of the Committee of Military Affairs of the Senate of the United States.

Question to Alexander Godey.

Did you know, or understand from credible reports, that the Californian authorities were granting or selling the national domain, or the missions, and on what terms; and what effect, if any, the revolutionary movement had in stopping these grants and sales?

Answer. In answer to the question of the honorable committee, I have to state, that there was a very general report that the Californian authorities were selling and granting tracts of land to foreigners and others, not residents of the country; and it was generally supposed that the movements of the settlers in the north, and the commencement of hostilities with Mexico, stopped and prevented the transfer of said property.

About December 18th, 1846, Don Andres Pico told me, when asked if he would sell the mission of Santa Margarita, that he would not, as it was not his property. A few days afterwards, say 26th of the same month, Señor Pico came to me and said, "I can now sell you the mission of Santa Margarita." I said to him, "I thought you told me you could not sell that property, it not being yours." He replied, "I only transferred it to Don Julian Workman, he being an Englishman, and have now received my papers again."

In February, 1847, I inquired of the alcalde of San Gabriel, where good land could be procured; he informed me that it would be a very difficult matter, as all the government land in that section had been transferred to Mexicans, Englishmen, and non-residents, for the purpose of keeping it from the possession of the United States authorities.

Respectfully submitted.

A. GODEY.

Sworn to before me, this 19th of February, 1848.

LEWIS CASS.

Question to J. B. Childs.

Did you know, or understand from credible reports, that the Californian authorities were granting or selling the national domain, or the missions, and on what terms; and what effect, if any, the revolutionary movement may have had in stopping these sales and grants?

Answer. I did understand from credible report, that the Californian authorities were making large grants of land, and selling the missions of the public domain, at very reduced prices.

A large grant of land was made to an Irish priest, on the condition, as I understood, that he was to bring emigrants from Ireland to settle it.

The revolution, to the best of my knowledge, put an entire stop to such grants and sales.

I know that General Vallejo left Sonoma for the purpose of attending a general council at Monterey, about the time the Irish priest, Macnamara, arrived in California, and a short time before the revolution in that country; and I recollect hearing that the English consul, Mr. Forbes, accompanied him to the Puebla de los Angeles, for the purpose of seeing the governor in relation to obtaining a grant of land, upon which it was said a colony of British subjects was to be established.

Very respectfully, your obedient servant,

J. B. CHILDS.

Sworn to before me, this 19th of February, 1848.

LEWIS CASS.

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Question to Doctor Baldwin.

Are you much acquainted in Mexico, and were you in the city of Mexico since the occupation of the same by the American troops; and if so, did you see or hear of the priest Eugenio Macnamara, and of his application for a grant of land in California, and of the footing on which he stood with the principal British subjects, agents or authorities in Mexico?

Answer. I resided in the republic of Mexico from the year 1822 until 1838, a period of sixteen years; during which, I made the acquaintance of many of the leading men of the country.

I again entered Mexico (city) on the 14th of September, 1847, and remained there until the 1st of November; during that time, I made the acquaintance of the priest Macnamara, and from sources entitled to credit, I was informed that he had, under the auspices of the British legation, projected a plan to colonize California with emigrants from Ireland. His project had met the approbation of the Mexican government, and he went to California to perfect his plans. In the meantime, it was ascertained that the ulterior views of Macnamara, were to promote the interest of the British govern-

ment, and not the Mexican government. A fierce opposition was contemplated by the republican members of Congress, when he should return with his matured plans from California; this resistance became unnecessary in consequence of the conquest of California by the arms of the United States. Macnamara lived in the family of either the British consul or chargé des affaires in Mexico.

JOHN BALDWIN.

Sworn to before me, this 19th day of February, 1848.

LEW. CASS.

Question to Dr. John Baldwin.

What power, since the obstruction of the federal constitution in Mexico, has the authority to dispose of the public domain?

Question. Is that power taken away from the states, or departments?

Question. How is what is called the executive council in Mexico appointed, and what is the general power of that council over the legislature and judicial department of the Mexican government?

Answer of John Baldwin to the questions propounded to him in writing by the Military Committee of the Senate.

1st. On the 27th November, 1846, José Mariano Salas, then in charge of the executive power of the United States of Mexico, decreed as follows:

"To the inhabitants of the republic, greeting: Know ye, that I am authorized, by the plan proclaimed in the citadel on the 4th August last, to dictate all measures necessary to sustain the public security of the republic; and, believing that one of the most necessary and urgent is to promote foreign immigration to people our immense territories, at present the object of a foreign nation's avarice; that, to carry this object into effect, it is indispensably necessary to establish the *Direction of Colonization* previously decreed, in order that it may labor with zeal and efficacy in the rapid augmentation of the population, from which great benefits are expected. Economy of the public treasure being a primary rule of conduct, the aforesaid Direction shall establish itself in the office destined for the *Direction of Industry*, to which there can be no objection; I, therefore, decree as follows:

"1. In conformity with the 16th rule established to carry into execution the law of 1st June, 1839, the Direction of Colonization shall be established under the immediate supervision of the Minister of Relations.

"2. This Direction shall be composed, in conformity with the aforesaid rule, of three individuals nominated by the supreme government.

"3. To obviate expense, the Direction of Colonization shall be

established in the office of that of Industry, and shall exercise the functions and attributions of the last mentioned. In regard to colonization, it will be its duty to promote that object by all possible means; consulting with the government in all cases which may require a greater outlay than is derived from the sources of revenue placed at its disposal. It shall endeavor to procure a rapid augmentation of population, and a consequent augmentation of the public revenue by the sale of vacant lands. It shall likewise exercise the attributions given to it by the aforesaid law of 1st June, 1839, as well as those for its own government which may be approved by the government.

"4. The Direction of Colonization and Industry shall have the revenues assigned to that of Industry by the decree of October 2, 1843—5 per centum of the sales of land belonging to the federation, as well as the nett proceeds of effects confiscated and sold as contraband for being prohibited by law, and sold in the place where sequestrated, where alone they can be consumed; or if, in future, goods now prohibited should be admitted by law, it shall receive 20 per centum of the duties collected from that source.

"I, therefore, order that this decree be printed, published, and fully complied with.

"Palace of the general government, Mexico, November 27, 1846.

"JOSE MARIANO DE SALAS.

"To Jose Maria Lafraqua."

On the 4th of December, 1846, Salas published another decree, in which are approved the rules and regulations drawn up by the Direction for the measurement and sale of the public domain. The regulations are 56 in number, and appear to have been formed after the principles which direct our public domain. The 35th regulation is deserving of notice. The Direction may contract with individuals or companies for the formation of new colonies on the following basis: None of the colonists introduced shall be subjects of or natives of a nation whose territory is coterminous with the land about to be ceded for colonization, nor shall the colonists come from or through the aforesaid coterminous territory, nor shall they be subjects of a nation with whom this republic is at war. The government, for special reasons, may make exceptions to this general rule.

2d. The aforesaid decrees are issued in the name of the United Mexican States, and proves that the power was taken away from the States to dispose of the vacant lands within their State jurisdiction. I think it is an arrogation of power not conceded by the constitution of 1824; and I am strengthened in this opinion by the fact, that when an attempt was made by the general government, in 1826, to colonize the Guanacualco river, in the State of Vera Cruz, the State interposed, and the general government was obliged to concede that the land belonged to the State.

3d. To the third interrogatory propounded by the committee, the respondent is without any positive data on which to base a

reply. Although he is in possession of the constitution of 1824, as well as of all the sovereign States of the Mexican republic, he is not in possession of the constitution adopted by thec entral government of Mexico in 1836; he cannot, in consequence, state whether the executive council of the government of Mexico has its origin in the central organic law, or whether it emanates from a statute law. His impression is, that it is the creation of some executive, authorized by some revolutionary plan, promulgated by the bayonet, for the purpose of shielding the military despot of Mexico from all responsibility for whatever atrocities he might commit against the public or individual welfare.

JOHN BALDWIN.

Deposition of William H. Russell, before the Military Committee of the United States Senate, on the subject of the memorial of Lieutenant Colonel J. C. Frémont, concerning California.

This deponent joined Colonel Frémont, in the month of October, 1846, at the month of San Francisco bay, and continued with him uninteruptedly, until he left the country finally, by the orders of Colonel Frémont, somewhere about the latter end of March, 1847.

He states that, when he joined Colonel Frémont, he found him destitute of almost every necessary supply to wage or carry on a successful war. His force was still small, badly armed, and their equipment meagre, and of inferior quality; but that, in a very short time, by an activity and energy, for which he is remarkable, he augmented his command until it amounted to a number exceeding 400 men, well provided with arms, including several pieces of artillery, horses, means of transportation, &c., &c.

This deponent, being appointed aid to Colonel Frémont, and master of ordnance of the battalion, and a member of his military family, had an ample opportunity of becoming acquainted and familiar with the expenses incurred in that country, including a large amount that had been made, even before his junction with the army. His appointment of secretary of state, by Commodore Stockton, made his office the medium through which information of the indebtedness, and the affairs generally of the territory, were communicated to Governor Frémont.

This deponent, with such advantages as his position in California afforded him, after a full and free interchange of opinions with the other witnesses who were with him, declares it, as his decided opinion, that the expenses unavoidably incurred in carrying on or prosecuting the war, embracing every branch of expenditure incident to the embarassed and difficult character of the service, in a distant land, including the unavoidable waste and destruction of property, growing out of the almost unequalled hardships of the service, together with the support of the civil government, necessarily expensive on account of the unsettled condition of affairs, and the assiduous efforts of Governor Frémont to maintain peace

and tranquility in the country, cannot certainly be met by a sum less than six hundred thousand dollars.

The difficulty of procuring every thing needful in the then unsettled condition of affairs in that country, and the consequent high prices, the paucity of American population, and the urgent necessity of raising troops with as little delay as possible, compelled the officers, as the only means of success, to promise or stipulate additional pay for their services, and the exorbitant rate of interest demanded for such sums of money as were indispensably necessary to be raised for the service, all tend to swell the total amount, and prove why it is that a less sum than six hundred thousand dollars would be insufficient to meet the true outstanding amount.

Your deponent states that, in consequence of the wise and humane treatment of Colonel Frémont towards the conquered population, his popularity became very great in the country, and enabled him to do what no other man, I confidently believe, could have done, to obtain supplies on credit, and simply by pledging his word that his acts would be ratified by his government.

Your deponent offers this brief statement only as a synopsis of what he can testify, suggesting that, if it is the pleasure of the committee, he is prepared to answer such interrogatories as will lead to the conclusion that a specification of the items will make up the sum total.

Questions to Colonel William H. Russell by the committee.

Did you know, or understand from credible reports, that the Californian authorities were granting or selling the national domain or missions, and on what terms, and what effect, if any, the revolutionary movement may have had in stopping these grants and sales?

Answer. It was understood, and a common subject of conversation in all the intelligent circles of California, whether natives or foreigners, that the authorities of that province were, with alarming haste, granting or selling the mission property and other portions of the public domain, a short time previous to the revolutionary movement, at inconsiderable, indeed at almost nominal prices.

The Macnamara grant was a topic of free and very general conversation, and it was uniformly asserted, and I believe credited, that the revolutionary movement in Sonoma was the sole cause of its prevention.

I myself entertain the confident belief that the most valuable portion of the beautiful valley of San Joaquin, and the wealthy missions of the country would have been ceded and granted away, but for the opportune hoisting of the bear flag, which completely suspended or defeated the entire plan or arrangement.

Question. Do you know whether any considerable number of the American emigrants to the Sacramento joined the California battalion, and under what circumstances of disadvantage and sacrifice to themselves, and how far the said battalion was influential in terminating the war?

Answer. I was chosen, in the spring of 1846, to be commander of the American emigrant party who left Independence, Missouri, for California; and I state, from positive knowledge, that the men belonging to this emigration constituted more than half of the California battalion, under the command of Colonel Frémont. The entire force numbered about 450 men, and those derived from the emigration could not have been less than 250.

I first attached myself to Colonel Frémont at the mouth of the San Francisco bay, and embarked with him, on the merchant ship Sterling, for the southern portion of the territory, then the seat of a formidable insurrection. After being at sea about two weeks, he considered it proper to return to Monterey, and I was then sent by him, with a small escort, to Sutter's settlement, on the Sacramento, to enlist men, obtain horses, purchase arms, munitions, and other things, considered by him necessary, to enable him to march down by land. The emigrants were just then arriving in the country, were unprovided with homes, and many of them destitute of the necessary means of subsistence. By the precautionary order of Colonel Frémont, I made arrangements with Captain Sutter and others for shelter and subsistence for their families, and thereby succeeded in enlisting the greater portion of the men to join Colonel Frémont. In the then unsettled condition of the country, and the circumstances under which the emigrants had reached or come into it, joining or uniting with the army at the time, was undoubtedly attended with danger to their families, and great sacrifice of feeling and property, and entitled them, as I then and still think, to the most favorable consideration of the government.

I purchased from the emigrants, for the use of the battalion, wagons, arms, munitions, and other necessary equipments, all of which said articles, to the great prejudice of these worthy people, still remain unpaid. I knew that the California battalion rendered the most important and essential service in the subjugation of the country. Indeed, I considered but for Colonel Frémont and his mounted riflemen, that the conquest of California could not then have been effected by the United States forces then on the Pacific coast. At the capitulation of Don Andres Pico to Colonel Frémont, he and other Californians boldly declared their determination never to submit to any other officer than him, and on the terms granted in the capitulation of Cowenga, of which I was one of the negotiators.

I hesitate not to give it as my decided opinion that the capitulation of Cowenga on the 13th January, 1847, was the main cause of saving the country from a bloody, vexatious, predatory warfare, that would necessarily have been protracted for a considerable length of time.

I remained at Los Angeles over two months after the capitulation, and became well acquainted, and conversed much with the families in that part of the country, and from all I could learn, the good results of that treaty in preventing a guerrilla warfare was fully confirmed.

Question to Colonel Russell.

Do you know the rate of interest in Calfornia, and what amonnt of interest was legally chargeable on contracts and notes after they became due?

Answer. I think the statement made by Mr. Ward is correct. I have understood that two per cent. per month was chargeable on contracts and notes after they became due, and was considered the legal interest.

WM. H. RUSSELL.

Sworn and subscribed to before me, this 22d day of February, 1848.

LEW. CASS.

Questions to Eugene Russell and Thomas E. Breckenridge.

Were you both a part of Frémont's topographical corps on his last and third expedition; and were you, also, a part of the California battalion?

Answer. We were; we went with the then Captain Frémont from Missouri, and were with him in the operations with the American settlers in establishing independence; and, afterwards, in the first expedition to Los Angeles, by sea as far as San Diego, when Commodore Stockton was commander-in-chief; and, afterwards, in the second expedition to Los Angeles, under the immediate command of Colonel Frémont by land, from near Monterey, in the winter of 1846 and 1847.

Question. When and how did you join Colonel Frémont in the march with his battalion from near Monterey to Los Angeles; and what do you know of the services rendered by said battalion?

Answer. After the first conquest of Los Angeles, in August, 1846, we were part of the force that returned towards the north under Colonel Frémont; and, at Santa Barbara, at the request of the inhabitants, he left us and eight more as a garrison. The other eight were Theodore Talbott, Charles Scriver, William Chinook, an Indian lad of the Chinook tribe, John Stevens, a French creole of the name of Durand, and one other French creole by name of Joseph Moulton, Francis Briggs, and a New Mexican Spaniard of the name of Manuel. Except three, Durand, Stevens, and Manuel, we were all about twenty years of age. In less than two weeks after he left, we got news of the insurrection at Los Angeles, and the success of the insurgents to the south of us, and were insured that we should be attacked. The first intelligence of our danger we received from the ladies of Santa Barbara, who urged us to escape, and when we refused, they offered to conceal us. In a few days a considerable mounted force appeared, said by themselves to be two hundred and fifty, but, as we afterwards learned, about one hundred and fifty, and a written summons signed FLORES, com-

mander-in-chief of the Mexican forces, was sent to us to surrender, with a promise to spare our lives, and let us go on parole, and two hours allowed for us to decide; it was then near dusk. The American residents in Santa Barbara came in and recommended us to surrender, saying it was impossible for us to escape; one of them, named Sparks, from St. Louis, said, at the fire of the first gun, we might count him one; he afterwards joined Colonel Frémont. We determined not to surrender, and to make our way to the mountains, a spur of which came down to the town. In about half an hour we started—the moon shining—and soon approached a small picket guard, which gave way and let us pass. We then gained the mountains, and relied on our rifles to keep off both men and cavalry. We staid eight days on the mountains, in sight of Santa Barbara, watching for some American vessel to approach the coast. We suffered greatly for provisions, and attempted to take cattle or sheep in the night from Santa Barbara, but, for want of a lasso, could only get a lean old white mare, which was led up on the mountains and killed for food; it was all eaten up. Despairing of relief by sea, and certain we could not reach Colonel Frémont in the north by going through the settled country, we undertook to cross the mountains, nearly east, into the San Joaquin valley, and through the Tulares (Bullrush) Indians, thus making a circuit of nearly five hundred miles. Before we left our camp in the mountains, the insurgents attempted to burn us out, by setting fire to the mountains around us; and once sent a foreigner to us to urge us to surrender, but we would not. They did not often venture near enough for us to fire on them, but would circle round us on the heights and curse us in Spanish; when we had any chance of hitting, we fired and saw once a horse fall. It took us three days to cross the first ridge of the mountains, during which time we had nothing but rosebuds to eat. The ascent was so steep, rocky, and bushy, that at one time it took us half the night to gain about three hundred yards; after crossing the first mountain, we fell in with an old Spanish soldier at a *rancho*, who gave us two horses, dried beef for our support, and became our guide over the intervening mountains, about eighty miles wide, to the San Joaquin valley. We pursued that valley down towards the Monterey settlements, where we expected to find Colonel Frémont, and did so, after being thirty-four days from Santa Barbara, and travelling at least five hundred miles. Colonel Frémont was just ready to march with his battalion to the south; we took our places in it, and had a share in all the operations of the battlion, and know that it rendered great service in pacifying the country, and obtaining the capitulation of Cowenga. On the march down, we suffered much from cold winter rains, and lost horses every day, and it is believed lost a hundred on Christmas day, crossing the Santa Barbara mountains. We came through Santa Barbara on our return, and were joyfully received by our old acquaintances there; they thought us all dead, for the mountain had never been crossed before, at the place that we went over, and those who examined an old camp in the mountains, after we left it, finding there some bones of the old mare, reported them to

be our bones, and all that was left of us after the attempt to burn us out. The people of Santa Barbara, generally, and the compassionate ladies, especially, showed real joy at seeing us alive, and hospitably treated us while the battalion stopped in passing their town.

R. E. RUSSELL,
T. E. BRECKENRIDGE.

Sworn to and subscribed before me, this 23d day of February, 1848.

LEW. CASS.

Question to Marion Wise.

Did you know, or understand from credible reports, that the Californian authorities were granting or selling the national domain, or the missions, and on what terms; and what effect, if any, the revolutionary movement may have had in stopping these grants and sales?

Answer. I did understand, from credible report, that the California authorities were making large grants of land, and selling the missions of the public domain at very reduced prices. A large grant of land was made to an Irish priest, on the condition, as I understood, that he was to bring emigrants from home to settle it. The revolution put an entire stop to such grants and sales, to the best of my knowledge.

MARION WISE.

Sworn to and subscribed before me, this 22d February, 1848.

LEWIS CASS.

Question to Marion Wise, Josiah Ferguson, Jerome C. Davis, Thomas E. Breckenridge, Alexander Godey, L. C. Vincenthaler, Joseph B. Childs, Richard Owens, Samuel Hensley, Eugene Russell, Risdon Moore, and William N. Loker.

How many horses, in the whole, do you agree in believing to have been obtained from the inhabitants, or taken for the use of the United States, during the war in California, either by orders of Colonel Frémont or those acting under him?

Answer. As near as we can recollect, we would say there was not less than six thousand horses taken, from the commencement of the

revolution up to the time we left, or the end of the war, including all taken by other commands as well as Colonel Frémont.

WILLIAM N. LOKER,
R. OWENS,
JEROME C. DAVIS,
RISDON A. MOORE,
JOSIAH FERGUSON,
MARION WISE,
THOS. E. BRECKENRIDGE,
L. D. VINCENTHALER,
R. E. RUSSELL,
J. B. CHILDS,
A. GODEY.

The undersigned was engaged, under Commodore Stockton, in the southern part of upper California, and upper part of lower California, where horses were comparatively few. In that section, the number taken was about five hundred. From general information, obtained from the natives of the country, the number above stated (six thousand) to have been the number taken in the course of operations during the revolution and war, I believe to be correct.

SAMUEL J. HENSLEY.

Sworn and subscribed to before me, this 21st February, 1848,

LEWIS CASS,
Chairman of the Committee.

Question to Colonel Frémont, Captain Hensley, and Colonel Childs.

Over what extent of country do you think there were transactions out of which claims may justly arise; and at what places do you think a commissioner or commissioners should sit for the adjudication of claims, so as to have the whole examined in the shortest time, and the business closed up; and what length of time do you think it would require for a commissioner or commissioners, acquainted with the country and with prices, and with the general nature of the claims, to audit and adjust the same?

Answer. The extent of country over which there were transactions which would give rise to claims would be about twelve hundred miles, from north to south, reckoning from Sonoma and the northern settlements of the Sacramento to San Vincenté, the old capital of lower California. The proper places at which to examine and adjudicate the claims would be as follows, viz:

1. New Helvetia.
2. Sonoma.
3. San Francisco.
4. Puebla de San José.

5. Monterey.
6. San Luis Obispo.
7. Santa Barbara.
8. Ciudad de los Angelos.
9. San Diego.
10. San Vincenté.

Nine months or a year would probably be the shortest time which would be required for a commissioner or commissioners to examine and adjust the claims. And I further believe, that justice to the claimants, and the interest of the government, make it expedient that the commissioner or commissioners should be acquainted with the country and with prices, and with the general nature of the claims, in order rightfully to audit and adjust the same.

J. C. FREMONT,
SAMUEL J. HENSLEY,
J. B. CHILDS.

Sworn and subscribed to by S. J. Hensley, this 21st of February, 1848.

LEWIS CASS,
Chairman of the Committee.

February 28, 1848.—Sworn to and subscribed before me, by J. C. Frémont and J. B. Childs.

LEWIS CASS.

Question to R. Moore.

Did you know, or understand from credible report, that the Californian authorities were granting or selling the national domain, or missions, and on what terms; and what influence the revolutionary movement may have had in stopping the sales and grants?

Answer. It was credibly reported that the Californian authorities were selling and granting the national domain and missions. A large tract of land, situated in the Joaquin valley, which embraced the best part of the country, was granted to an Irish priest by the name of Macnamara, for the purpose of forming a colony; and the missions of St. Gabriel and St. Louis Rey were sold, or about being sold, to private individuals for less than one-tenth of their value.

My belief is that the movement of Col. Frémont interfered with, if not entirely put a stop to, such sales and grants.

RISDON A. MOORE.

Sworn to and subscribed before me, this 22d February, 1848.

LEW. CASS.

Question to Eugene Russell.

Did you know, or understand from credible report, that the Californian authorities were granting or selling the national domain, or the missions, and on what terms; and what effect, if any, the revolutionary movement had in stopping these sales and grants?

Answer. I have no doubt that it was the intention of the Californian authorities to grant away or cede the missions, and much other of the public domain of the country. It was the subject of much conversation; and the Macnamara grant, in the valley of St. Joaquin river, particularly, it is believed, would have been disposed of in a very short time but for the revolutionary movement at Sonoma.

I have no doubt that the bear flag saved a large portion of the most valuable property in California from passing into the hands of foreigners for a consideration by no means commensurate with its value.

R. E. RUSSELL.

Sworn to before me, this 19th day of February, 1848.
LEW. CASS.

Question to Thomas Breckenridge.

Did you know, or understand from credible report, that the Californian authorities were granting or selling the national domain, or the missions, and on what terms; and what effect, if any, the revolutionary movement had in stopping these grants or sales?

Answer. I know, and have heard from credible report, that the Californian authorities were selling and granting the national domains and missions—a large tract of land situated in the Joaquin valley—to an Irish priest for the purpose of forming a colony; and the mission of St. Gabriel, situated about 8 or 10 miles from the Pueblo, was sold by the government authorities to Workman and Reed for about one-tenth of its value.

My belief is that the movements of Col. Frémont did interfere with all such grants and sales.

THOS. E. BRECKENRIDGE.

Sworn to and subscribed before me, this 22d February, 1848.
LEW. CASS.

Question to Josiah Ferguson.

Did you know, or understand from credible report, that the Californian authorities were granting or selling the national domains or the missions, and on what terms; and what effect, if any, the revolutionary movement may have had in stopping these grants and sales?

Answer to the above question proposed to him by the military committee of the Senate of the United States.

I did understand, from credible report, that the Californian authorities were selling and granting the national domains and missions. A large track of land situated in the St. Joaquin valley was granted to an Irish priest for the purpose of forming a colony; and the mission of St. Gabriel, situated about 8 or 10 miles from the Pueblo de los Angeles, by the government authorities, to Workman and Reed for about one-twelfth its value. My belief is, that the movements of Colonel Frémont did interfere with such grants and sales.

JOSIAH FERGUSON.

Sworn to and subscribed before me, this 22d February, 1848.
LEW. CASS.

Question to Jerome C. Davis.

February 9, 1848.

Did you know, or understand from credible reports, that the Californian authorities were granting or selling the national domain, or the missions, and on what terms; and what effect, if any, the revolutionary movement may have had in stopping these grants and sales?

Answer. I know, and have heard from credible report, that the Californian authorities were selling and granting the national domains and missions. A large tract of land, situated in the Joaquin valley, was granted to an Irish priest for the purpose of forming a colony; and the mission of St. Gabriel, situated about 8 or 10 miles from Pueblo de los Angeles, by the government authorities, to Workman and Reed, for about one-twelfth its value. My belief is, that the movements of Colonel Frémont did interfere with such grants and sales.

J. C. DAVIS.

Sworn to and subscribed before me, this 28th February, 1848.
LEW. CASS.

Deposition of L. D. Vincenthaler before the Military Committee of the United States Senate.

This deponent states, that he was a private in the California battalion, under the command of Colonel Frémont, in his recent opera-

tions in that country; that he joined the command about the 8th of October, 1846, and continued with him (Colonel Frémont) throughout his entire operations in that country, and returned with him to the United States in the month of August last.

He fully concurs with all the other witnesses in regard to the prudence, economy, and ability of Colonel Frémont, both in his military and civil operations, and knows that a large debt was unavoidably incurred in carrying on or prosecuting the war, which he heard estimated in California as amounting to a sum exceeding half a million of dollars. The items making up this sum total consisted of large numbers of horses, cattle, arms of all descriptions, ammunition, clothing, and subsistence for the troops.

This deponent also knows, that at different times considerable sums of money were borrowed with a view to make partial payment to the troops; and that eventually scrip, or certificates of the balance due them was issued, which he believes for the greater amount to be still unpaid.

Very respectfully, your obedient servant,

L. D. VINCENTHALER.

Question to L. D. Vincenthaler.

Did you know, or understand from credible report, that the Californian authorities were granting or selling the national domain, or the missions, and on what terms; and what effect, if any, that revolutionary movement had in stopping these grants and sales?

Answer. I did understand from credible report that the Californian authorities were making large grants of land, and selling the missions of the public domain at very reduced prices. A large grant of land was made to an Irish priest on the condition, as I understand, that he was to bring emigrants from Ireland to settle it. The revolution put an entire stop to such grants and sales, to the best of my knowledge.

L. D. VINCENTHALER.

Sworn to and subscribed before me, this 22d February, 1848.

LEW. CASS.

Answer to question propounded by the Military Committee of the Senate.

I know, and also have heard from credible authority, that the California authorities were granting the national domain and missions.

One of the conditions of the large grant to Macnamara, I have understood was, that he should place a certain number of English or Irish emigrants upon the property within a certain time. Some grants have been made to officers for public services, and some to

foreigners, (on becoming citizens,) under the usual conditions of grants in that country.

I do not think that the revolutionary movements under the bear flag had any effect in stopping these grants, as I know of some that were made within three days of the hoisting of the United States flag by Commodore Sloat.

Respectfully,

FRANK WARD.

WASHINGTON, *February* 8, 1848.

Questions to Mr. Frank Ward.

What time did you arrive in California?

Answer. On the 30th of July, 1846.

Question. What grants do you speak of as being made three days before Commodore Sloat hoisted the flag?

Answer. A grant to the Hudson Bay Company in the town of San Francisco, and some mission property.

Question. When was the flag hoisted by Commodore Sloat?

Answer. The 7th of July, 1846.

Question. Do you know of the rates at which bills were selling while you were at California, and what per cent. was paid for money?

Answer. Government has paid from 12 to 20 per cent. on bills of the United States; and it is my impression that there has been paid as high as 25 per cent.

The legal interest for money in California is two per cent. a month, and three per cent. a month is very often paid.

FRANK WARD.

Sworn and subscribed to before me, this 17th February, 1848.

LEW. CASS,

Chairman of the Committee on Military Affairs.

Deposition of Mr. Fauntleroy.

WASHINGTON, *February* 16, 1848.

SIR: I herewith reply to questions put to me by your honorable committee.

Question 1st. Were you a purser in the United States navy on the California station, within a few years past; and if so, can you state at what rate money was raised there on government bills; and also what was the rate of interest on money in California during the time you were there?

Answer. I was a purser in the navy of the United States on the California station on board the frigate Savannah, from the 2d of February, 1846, to the 26th March, 1847. The rate of exchange, I believe, was twenty per cent.; that pursers of the squadron had

drawn at that rate; and, I believe, a higher rate of interest had been given in other instances. I had occasion to draw, myself, several times, first in favor of Mr. Frank Ward, a gentleman from New York, and merchant of Yerba Buena, who very liberally reduced the exchange to twelve per cent., much to the annoyance of capitalists of that country; but on the ship leaving for the United States, I was compelled to give fifteen per cent. in favor of another person.

The rate of interest for money loaned, I think, was two per cent. a month.

Question 2d. What do you deem the best way for the government to place seven or eight hundred thousand dollars in Upper California, to pay out there to those who have performed military service, or furnished supplies to the troops in the service of the United States?

Answer. The government can purchase Mexican or South American doubloons, in New York and northern ports, from fifteen and a half to fifteen and three-quarters of a dollar, or at a much less rate in Rio Janeiro; which doubloons are counted in California at sixteen dollars; and sending that amount by a government vessel to that country, would save twenty-five or more thousand dollars by so doing.

I have the honor to be, very respectfully, your obedient servant,

D. FAUNTLEROY.

To the Hon. Lewis Cass,
Chairman of the Committee on Military Affairs of the Senate of the United States.

P. S. In addition to my answer to the second question, I would respectfully say, the government would be benefitted by the appointment of an agent of character and responsibility, for the disbursement of the funds alluded to, and a gentleman familiar with the people and country of California, and having a knowledge of the claims to be adjudicated.

Very respectfully,
D. FAUNTLEROY.

Sworn and subscribed to before me, this 17th February, 1848.
LEW. CASS,
Chairman of the Committee of Military Affairs.

List of Officers composing the California Battalion.

J. C. Frémont, commanding.
A. H. Gillespie, major.
P. B. Reading, paymaster.
Henry King, commissary.

J. R. Snyder, quartermaster, since appointed a land surveyor by Colonel Mason.
Wm. H. Russell, ordnance officer.
T. Talbot, lieutenant and adjutant.
J. J. Myers, sergeant major; appointed lieutenant in January, 1847.

Company A.

Richard Owens, captain.
Wm. N. Loker, 1st lieutenant, appointed adjutant, Feb. 10th, 1847.
B. M. Hudspeth, 2nd lieutenant, appointed captain, Feb. 1847.
Wm. Findlay, " " " " " "

Company B.

Henry Ford, captain.
Andrew Copeland, 1st lieutenant.

Company C.

Granville P. Swift, captain.
Wm. Baldridge, 1st lieutenant.
Wm. Hartgrove, 2nd "

Company D.

John Sears, captain.
Wm. Bradshaw, 1st lieutenant.

Company E.

John Griggsby, captain.
Archibald Jesse, 1st lieutenant.

Company F.

L. W. Hastings, captain, (author of a work on California.)
Wornbough, 1st lieutenant.
J. M. Hudspeth, 2nd "

Company G.

Thompson, captain.
Davis, 1st lieutenant.
Rock, 2nd "

Company H.

R. T. Jacobs, captain.

Henry Bryant, 1st lieutenant, (afterwards alcalde at San Francisco.)
Geo. M. Lippencot, 2nd lieutenant, of New York.

Artillery Company.

Louis McLane, captain, (afterwards major.)
John K. Wilson, 1st lieutenant, appointed captain in January, 1847.
Wm. Blackburn, 2nd lieutenant, (now alcalde of Santa Cruz.)

Officers on detached service and doing duty at the south.

S. Hensley, captain.
S. Gibson, " (lanced through the body at San Pascual.)
Miguel Pedroreyna, captain, Californian, (appointed by Stockton.)
Stgo. Arguello, captain, Californian, (appointed by Stockton.)
Bell, captain, (appointed by Stockton,) old resident of California, (los Angeles.)
H. Rheusaw, 1st lieutenant, (appointed by Stockton.)
A. Godey, " " " " "
Jas. Barton, " " " " "
L. Arguello, " " Californian, (appointed by Stockton.)

APPENDIX

LETTERS OF THE U. S. CONSUL AT MONTEREY.

Colonel Frémont offers to the committee, as authentic evidence in relation to the origin of the difficulties with the Mexican authorities in California, the following letters, and extracts of letters, from the U. S. Consul, at Monterey, to the Secretary of State, and others, all showing the great care which he took to avoid giving offence to the said authorities when he entered California in the winter of 1845–'46, and the necessity of the defensive measures which he then took, and his departure from the country to avoid compromising either his government or the American settlers. Contrary to expectation, his departure, instead of quieting Governor Castro, seemed to have had the contrary effect, as proved by testimony already given; and, in the month of June, rendered hostilities, in self-defence, unavoidable.

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CONSULATE OF THE UNITED STATES,
Monterey, California, March 4, 1846.

SIR: The undersigned has the honor to inform the honorable Secretary that Captain J. C. Frémont arrived within this department in January last, with his party of fifty men, and was at the house of the undersigned a few days, during the last month, for the purpose of getting funds for refitting and clothing his party; which he received as far as could be procured. He is now in this vicinity surveying, and will be again at this consular house during this month. He then proceeds for the Oregon, returns here in May, and expects to be in Washington about September. To this gentleman is due, from the government, unqualified praise for the patience, industry, and indefatigable perseverance in the attaining the object he is engaged in.

Captain Frémont passed three degrees south of Fort Hall, having taken a route supposed to be a desert, which made his distance to California eight or nine hundred miles less. He considers the distance from Independence to Monterey about one thousand nine hundred miles. He describes the new route he followed far preferable, not only on account of the less distance, but it is less mountainous, with good pasturage, and well watered. The second day of his arrival in Monterey, he visited the commandante general, prefecto and alcalde; and by verbal request of the general, informed him officially of his object in visiting California. The undersigned forwards, with this, the two annexed letters respecting Captain Frémont's arrival.

I am, sir, with the highest respect and consideration, your most obedient servant,

THOMAS O. LARKIN.

To the Hon. SECRETARY OF STATE,
City of Washington.

CONSULATE OF THE UNITED STATES,
Monterey, March 9, 1846.

SIR: Enclosed you have a copy of my answer to the general and prefecto of this place, one to Captain Frémont, and the second letter from the prefect. Captain Frémont is eight or nine leagues from this place, encamped, intending to move as soon as the state of his horses will permit. There will be two to three hundred people collected together to-morrow, with the intention of attacking the camp. Captain Frémont has about fifty men—all men of confidence, and remarkably well armed. Neither himself or men have any fears respecting the result of the present state of affairs; yet, be the result for or against him, it may prove of a disadvantage to the resident Americans in California. I have at some [risk] despatched out two couriers to the camp, with duplicate letters, and this letter I send to Santa Barbara, in expectation of finding a vessel bound to Mazatlan. Having had over one-half of my hospital expenses of 1844 cut off, and know not why, and even my bill for a flag, I do not feel di posed to hazard much for government, though the life of Captain Frémont and party may need it. I hardly know how to act. I have only received one letter (of June) from the department for the year 1845. In the month of February, Captain Frémont, in my company, visited the general, prefecto and alcalde of this place, and informed them of his business; and there was no objection made. Within twenty days, the general says he has received direct and specific orders from Mexico not to allow Captain Frémont to enter California; which, *perhaps*, accounts for the change of feelings with the people.

I am, sir, with the highest respect and consideration, your obedient servant,

THOMAS O. LARKIN.

To the Hon. SECRETARY OF STATE,
City of Washington.

Note in pencil from Captain Frémont to the Consul Larkin, from his entrenched camp at the Pic del Gavelano on the Sierra, thirty miles from Monterey, March 10, 1846.

MY DEAR SIR: I this moment received your letters, and without waiting to read them, acknowledge the receipt which the courier requires immediately. I am making myself as strong as possible, in the intention that if we are unjustly attacked, we will fight to extremity and refuse quarter, trusting to our country to avenge our death. No one has reached our camp, and from the heights we are able to see troops (with the glass) mustering at St. John's and preparing cannon. I thank you for your kindness and good wishes, and would write more at length as to my intentions did I not fear that my letter would be intercepted. We have in no wise done

wrong to the people or the authorities of the country, and if we are hemmed in and assaulted here, we will die, every man of us, under the flag of our country.

Very truly, yours,

J. C. FRÉMONT.

P. S.—I am encamped on the top of the Sierra, at the head waters of a stream which strikes the road to Monterey, at the house of Don Joaquin Gomez. J. C. F.

THOMAS O. LARKIN, Esq.,
Consul for the United States, Monterey.

Letter from Consul O. Larkin to the U. S. Consul at Mazatlan, asking naval assistance for Captain Frémont.

CONSULATE OF THE UNITED STATES,
Monterey, California, March 9, 1846.

SIR: Enclosed with this, you will receive several copies of correspondence in this town, for the present week; also an official letter for the captain of any of our ships of war, you may have in your port on your receiving this letter. It is impossible to say whether Señor Castro, the prefecto, and the general will attack Captain Frémont; we expect such will be the case. I am just informed by Señor Arcé, the general's secretary, who has just come in from the general's camp, (St. John's,) that the whole country will be raised to force Captain Frémont, if they require so many. Señor Arcé further says, the camp of the Americans is near Mr. Hartnell's rancho, on a high hill, with his flag flying; of the latter, I am not certain. As you are acquainted with this country and its people, you will advise with our naval captains on the subject of sailing immediately for this port. If the vessel is not actually obliged to go elsewhere, it is my earnest desire she sails for Monterey on the receipt of this, although everything may end peaceably amongst us.

Believe me to be, yours, sincerely,

THOMAS O. LARKIN.

To JOHN PARROT, Esq.,
United States Consul, Mazatlan.

Letters from Consul Larkin to the Secretary of State.

[Extracts.]

CONSULATE OF THE U. S. OF AMERICA,
Monterey, March 27, 1846.

SIR: Captain J. C. Frémont, of the United States army, arrived at this United States consular house in Monterey, on the 27th of

January, 1846. Being very anxious to join his party of fifty men at the second place of rendezvous, without the settlement, they having missed the first place by mistake, he remained but two days; in which time, with myself, he visited the commandant general, prefecto, alcalde, and Colonel Alvarado, informing them that he was surveying the nearest route from the United States to the Pacific ocean. This information, and that his men were not United States soldiers, was also, by myself, officially given to the prefecto. Having obtained funds and supplies from myself, he returned to his camp; it being well known in Monterey that he was to return, when he collected his men. Some fifteen or twenty days after this, Captain Frémont with his party, encamped at a vacant rancho belonging to Captain Fisher, (about ninety miles from here,) to recruit his men and animals. From there, he proceeded towards Santa Cruz, making short journeys. On the 3d of March, he encamped on the rancho of Mr. E. P. Hartwell, where he received letters from the general and prefecto, ordering him out of the country, and to obey the order without any pretext whatever, or immediate measures would be taken to compel him to do so. This, not corresponding with assurances received at Monterey, it was not answered, and he gave orders to hoist the United States flag the next morning, as the only protection his men was to look to. From the 7th to the 10th of March, they fortified their camp with a breastwork of logs. Encamped on a high-hill, which commanded a view of the surrounding country, they could see (with the use of spy-glasses) the general and his troops, numbering about two hundred men, at their camp, in the mission of St. John's, preparing their cannon. On the 9th instant, I sent duplicate letters; one by an American, who lost his papers, and the other by a Californian, to Captain Frémont, informing him of the movements of the Californians. The California courier returned to the consulate in about nine or ten hours, bringing a letter from Captain Frémont, having travelled in that time sixty miles. He reported being well treated by Captain Frémont and his men; *and that two thousand of his countrymen would not be sufficient to compel him to leave the country, although his party was so small.* At the earnest request of the alcalde for a translation of Captain Frémont's letter, it was given, and immediately despatched to the general at St. John's; and one also to the governor of the Puebla of los Angeles. The general informed the alcalde on the night of the 10th instant, that Captain Frémont had left his encampment, and that he (the general) should pursue and attack him the first opportunity, and chastise him for hoisting a foreign flag in California. In the postscript of the same letter, the general stated that Captain Frémont had crossed a small river, and was then about three miles distant from them; but the general made no preparation to follow him. On the morning of the 11th, General Castro sent John Gilroy, an Englishman, long resident in this country, to make offers of arrangement to Captain Frémont. On his arrival at the camp ground, he found Captain Frémont had left with his party that morning; the camp fires were still burning. He found in the camp the staff used for the flag, tent poles, (cut on

the spot,) some old clothes, and two old and useless pack saddles which the Californians have magnified into munitions of war. General Castro informed his party that he had received various messages from the camp of Captain Frémont, threatening to exterminate the Californians, &c., (but will hardly name his messengers, nor did they put any confidence in it themselves.) From the 11th to the 13th, the natives had returned to their respective homes, to resume their customary occupation. A few people that were ordered to march from San Francisco to join the general at his camp, returned to their homes. On the 12th, a proclamation was put up by the general in the billiard-room, (not the usual place,) informing the inhabitants that a band of highwaymen, ("*bandoleros*,") under Captain Frémont, of the United States army, had come within the towns of this department; and that he, with two hundred patriots, had driven them out, and sent them into the back country. Some of the officers of the two hundred patriots (and more were expected to join them) arrived in Monterey, and reported that the cowards had run, and that they had driven them to the Sacramento river; some added that they drove them into the bullrushes, on the plains of the Sacramento; and that, in their haste, they had left some of their best horses behind. The horses proved to be those belonging to the Californians themselves, and had strayed into Captain Frémont's band, (being an every day occurrence in California,) and, on raising camp, they were turned out and left behind. Instead of the Americans being driven out of the country, they travelled less distance, for three or four days, than the natives did in returning to Monterey; moving from four to six miles per day, in order to recruit.

Consulate of the U. S. of America,
Monterey, April 2, 1846.

Sir: In giving my first information to the department respecting Captain Frémont's arrival in California, I did not anticipate such an extensive correspondence as it has now reached. Captain Frémont was well received in this place, and to the last day we heard of him, by the natives individually, who sold him provisions, and liked his presence. During his encampment, thirty or forty miles from here, despatches were received by the commandant, General José Castro, (a native of Monterey,) from Mexico, ordering him to drive Captain Frémont out of this department; which order, with one hundred and seventy or two hundred men present, and over one hundred more daily expected, he pretended to execute. Captain Frémont left his camp a few hours after he received the undersigned's letter of the 9th of March, (not from fright of General Castro,) as he had been preparing the week before to travel. It is supposed he has gone to St. Barbara, where an American was sent by the undersigned in February, with funds and provisions for his use. From there he proceeds on his journey, according to his

instructions from his department in Washington. Although from the correspondence it may appear that in the centre of a strange country, among a whole people with real or apparent hostile intentions towards him, that Captain Frémont was in much danger, it can be believed that he was only annoyed. Whether he will visit Monterey after this unexpected affair or not, is uncertain.

The undersigned has not supposed, during the whole affair, that General Castro wished to go after Captain Frémont, and was very confident that with all California he would not have attacked him, even had he been sure of destroying the whole party, as five times their number could have taken their place before the expected battle. Captain Frémont received verbal applications from English and Americans to join his party, and could have mustered as many men as the natives. He was careful not to do so. Although he discharged five or six of his men, he took no others in their place. On the return of General Castro, he published a flaming proclamation to the citizens, informing them that a band of bandeleros, (highwaymen or freebooters,) under Captain Frémont of the United States army, had come into this district; but with the company of two hundred patriots he had driven them away, and exhorted his companions and countrymen to be always ready to repel others of the same class. This proclamation was missing, from the place where it was put up, on the third day.

Letter from the Consul, Thomas O. Larkin, to Captain Fremont.

CONSULATE OF THE UNITED STATES,
Monterey, California, March 10, 1846.

SIR: Your letter of yesterday I received last night at 8 o'clock; I thank you for the same; It took from me a weight of uneasiness respecting your situation. The alcalde of Monterey has requested of me a copy in Spanish of your letter. Not knowing what you might approve of in the case, I had some objection; on second thoughts I considered that the alcalde, having given the courier a passport (without which he would not go) for carrying of the letters both ways, were made public, and people might put a wrong construction on our correspondence, I gave it to him with the following additions. I also considered the letter contained nothing of importance to keep secret, and now annex my letter of this morning to the alcalde. As you may not have a copy of your letter, I send one. My native courier said he was well treated by you—*that two thousand men could not drive you.* In all cases of couriers, order your men to have no hints or words with them, as it is magnified. This one said a man pointed to a tree and said, "there's your life;" he expected to be led to you blindfolded; says you have sixty-two men, well armed, &c., &c., &c.

You will, without thought of expense of trouble, call on me, or

send to me, in every case of need, not only as your consul, but as your friend and countryman.

I am yours, truly,
THOMAS O. LARKIN.

Captain J. C. FREMONT,
United States Army.

No. 50.

U. S. SHIP SAVANNAH, *May* 31, 1846.

SIR: I have received such intelligence as, I think, will justify my acting upon your order of the 24th of June, and shall sail immediately to see what can be done.

Very respectfully, your obedient servant,
J. D. S., *Commodore.*

The Hon. SECRETARY OF THE NAVY,
Washington.

The foregoing is a translation of the original letter received at this department, in cypher.

J. Y. MASON.

NAVY DEPARTMENT, *January* 14, 1848.

No. 51.

FLAG SHIP SAVANNAH, *June* 6, 1846.

SIR: Since my No. 50, of the 31st May, I have, upon more mature reflection, come to the conclusion that your instructions of the 24th June last, and every subsequent order, will not justify my taking possession of any part of California, or any hostile measure against Mexico, (notwithstanding their attack upon our troops,) as neither *party have declared war.* I shall, therefore, in conformity with those instructions, be careful to avoid any act of aggression until I [am] certain one or the other party have done so, or until I find that our squadron in the gulf have commenced *offensive* operations, presuming, that as they are in daily communication with the department, their proceedings are authorized.

The want of communication with, and information from, the department and our consul, render my situation any thing but pleasant; indeed it is humiliating and mortifying in the extreme, as by my order I cannot act, while it appears to the world that we are actually at war on the other coast.

Three of the sloops are on the coast of California, whence I shall proceed, leaving the Warren here to bring intelligence. The Shark is at Columbia river.

Most respectfully, I am your very obedient servant,
J. D. SLOAT,
Commodore.

To the Hon. SECRETARY OF THE NAVY,
Washington.

The foregoing is a translation of the original letter received at this department, *in cypher*.

J. Y. MASON.

Navy Department, *January* 11, 1848.

U. S. Navy Department,
Washington, August 13, 1846.

Commodore: The department has received your letter, No. 51, of June 6, from which it appears, that while you were aware of the existence "of actual war" between the United States and Mexico, you remained in a state of inactivity, and did not carry out the instructions of June 24, 1845, framed to be executed even in the event of the mere declaration of war, much more in the event of actual hostilities. Those instructions you were ordered to carry out "at once."

In my letter of August 5, 1845, the receipt of which you acknowledged on the 28th January, 1846, referring to them, I said: "*In the event of war*, you will obey the instructions recently addressed to you *via* Panama." In my letter of October 17, 1845, of which you acknowledge the receipt on the 17th of March, 1846, referring to these instructions once more, I said further: "In the event of actual hostilities between the Mexican government and our own, you will so dispose of your whole force as to carry out most effectually the objects specified in the instructions forwarded to you from the department, in view of such a contingency." And surely there is no ambiguity in this language.

And in my letter of 23d of February last, sent through Mexico, I remarked, "This letter is sent to you overland, enclosed, as you suggest, to Messrs. Mott, Talbot & Co., Mazatlan, and you will readily understand the reserve with which it is written."

The department, on August 5, 1845, had also told you "that your force should not be weakened while hostilities are threatened by Mexico." Your course was particularly approved in detaining the frigate Constitution.

The department will hope that a more urgent necessity than as yet appears, existed for the otherwise premature return of that vessel.

The department willingly believes in the purity of your intentions. But your anxiety not to do wrong has led you into a most unfortunate and unwarranted inactivity.

Very respectfully, yours,
GEORGE BANCROFT.

Commodore John D. Sloat,
Commanding U. S. naval forces in the Pacific Ocean.

The foregoing is a copy of the original letter transmitted to Commodore Sloat, by the hands of Commander Nicholson, in August, 1846, and returned by the latter officer to the department on the 12th November, 1846, in accordance with the instructions of

the Secretary of the Navy, dated 3d September, 1846, Commodore Sloat having returned to the United States.

J. Y. MASON.

Navy Department, *January* 14, 1848.

United States Navy Department,
Washington, *August* 13, 1846.

Commodore: Your letter numbered 48, of the 6th of May last, has been received.

As you state "that your health is declining very rapidly, and is becoming very precarious," and for other reasons, you are hereby relieved from the command of the Pacific squadron. If Commodore Biddle is on the station, he will retain the command until further orders. If he is not there, Commodore Stockton will assume the command, until Commodore Biddle shall arrive. If neither Commodore Biddle nor Commodore Stockton is there, the oldest officer will assume it, until one or the other shall make his appearance.

You will transfer all the orders and instructions from the department, which remain unexecuted, to the officer who may assume the command.

If you are still on board the Savannah, Commander Nicholson will take the command of that frigate. You will return to the United States as a passenger in the first public vessel; or, since none is likely to be despatched soon, you may return in a private ship. The necessary cost of your passage home will be defrayed by the department.

The department sincerely hopes that your release from the cares of command will secure to you early and entire restoration of health.

Very respectfully,

GEORGE BANCROFT.

Commodore John D. Sloat,
Commanding Pacific Squadron.

The foregoing is a copy of the original letter transmitted to Commodore Sloat, by the hands of Commander Nicholson, in August, 1846, and returned by the latter officer to the department on the 12th November, 1846, in accordance with the instructions of the Secretary of the Navy, dated 3d September, 1846; Commodore Sloat having returned to the United States.

J. Y. MASON.

Navy Department,
January 14, 1848.

Extracts from Commodore Sloat's despatches to the Secretary of the Navy, communicated to both Houses of Congress by the President, and printed with the annual message, session 1846–'47.

FLAG SHIP SAVANNAH,
Monterey, July 6, 1847.

SIR: Since I wrote you last evening, I have determined to hoist the flag of the United States at this place to-morrow, as I would prefer being sacrificed for doing too much than too little. * *

If you consider that you have sufficient force, or if *Frémont* will join you, you will hoist the flag of the United States at Yerba Buena, or any other proper place, and take possession, in the name of the United States, of the fort, and that portion of the country.

* * * * * *

I am very anxious to know if Captain *Frémont* will co-operate with us. Mr. Larkin is writing to him by the launch, and you will please put him in possession of this letter as soon as possible. I have no time to write more at present.

Very respectfully, your obedient servant, &c.,
JOHN D. SLOAT,
Commander-in-chief, &c.

Commander J. B. MONTGOMERY,
U. S. Ship Portsmouth, San Francisco.

FLAG SHIP SAVANNAH,
Bay of Monterey, July 9, 1846.

SIR: You will, no doubt, have received the information before this, that I have hoisted the flag of the United States at this place, on the 7th instant; as yet all is quiet and no resistance of any kind has been made.

I immediately sent to General Castro a copy of my proclamation to the inhabitants of California, and a summons to surrender forthwith to the American arms the forts, military posts, and stations, under his command, together with all troops, arms, munitions of war, and public property of every description under his control and jurisdiction, with an invitation for him to meet me immediately at this place to enter into articles of capitulation, that himself, officers, soldiers, and the inhabitants of California, may receive assurances of perfect safety to themselves and property.

I have this moment learned by an Englishman just arrived from General Castro, at the Pueblo, that General Castro was probably at St. John's last evening, and that you would probably be at the Pueblo at the same time.

I have not as yet received any communication from General Castro. It is thought he will be in to-morrow, or send some communication. This Englishman says that when the general read my proclamation to his troops, he expressed his approbation of it; if he is wise, he will make no resistance.

I have here the frigate Savannah, of fifty-four guns, the sloop-of-war, Cyane and Levant, of twenty-four guns each, armed with

32-pounder long guns, 68-pounder shell guns, and 42-pounder carronades, with a large complement of men, and am every moment in expectation of the arrival of the frigate Congress, with sixty 32-pounder long guns, at this place, and the sloop Erie with long 18's at San Francisco. I have not landed a large force, to prevent any unnecessary alarm to the people of the town, but can in ten minutes put my whole force on shore. I am extremely anxious to see you at your earliest convenience; and should General Castro consent to enter into a capitulation, it is of the utmost importance that you should be present. I hope, therefore, that you will push on with all possible despatch, or, at any rate, let me hear from you immediately.

Captain Montgomery sent his launch down, which I despatched on the 6th, informing him that I should take possession of this place on the next day in the name of the United States, and sent him a copy of my summons and proclamation, and also orders to take possession of Yerba Buena and the bay of San Francisco immediately, requesting him to inform you of these facts without delay. I have also sent him three couriers with the same orders, (in cypher,) which I have no doubt have reached him, and am confident the flag of the United States is at this time flying there.

Although I am in expectation of seeing General Castro, to enter into satisfactory terms with him, there may be a necessity of one hundred men, well mounted, who are accustomed to riding, to form to prevent any further robbing of the farmers' houses, &c., by the Indians. I request you to bring in as many men up to that number with you, or send them on under charge of a trusty person, in case you may be delayed for a day or two. Should you find any government horses on the road, please bring them in.

Very respectfully, your obedient servant,

JOHN D. SLOAT,

Commander-in-chief of the U. S. naval forces in the Pacific ocean, &c.

Captain J. C. Frémont.

Flag Ship Savannah,
Bay of Monterey, July 12, 1846.

Sir: I have one hundred marines and two hundred men on shore, well armed, and also two 18-pounder carronades, mounted for field-pieces, and can land the remainder of my force in a few minutes, if necessary. By the best information I can obtain, Frémont was at the Pueblo (of St. Joseph) the day before yesterday, and probably at St. John's yesterday. I sent a letter to him two days since, by express, and yesterday a message by an American who was on his way to Yerba Buena, who promised to see him; he has also a message for you; therefore I am in momentary expectation of hearing from him. Castro buried two field-pieces, with their shot, at St. John's, and is flying before Frémont.

* * * * * * * *

I have information from the Pueblo (of St. Joseph) that yesterday forty foreigners in that town wanted to hoist our flag, but had no bunting. I shall send them some the first opportunity, and shall direct them to organise themselves into a company of cavalry, choose their own officers, for the protection of their own property against marauders and the Indians, and then report to me. When organised and reported they will be mustered into service and receive instructions from me. * * * * *

Very respectfully, your obedient servant,

JOHN D. SLOAT,
Commander-in-chief, &c.

Commandant J. B. MONTGOMERY,
U. S. ship Portsmouth, bay of San Francisco.

On the 15th of November last, from information received of the sickness of my family in San Francisco, where they had gone to escape the expected revolutionary troubles in Monterey, and from letters from Captain Montgomery requesting my presence, respecting some stores for the Portsmouth, I, with one servant, left Monterey for San Francisco, knowing that for one month no Californian forces had been within 100 miles of us. That night I put up at the house of Don Joaquin Gomez, sending my servant to San Juan, six miles beyond, to request Mr. J. Thompson to wait for me, as he was on the road for San Francisco. About midnight I was aroused from my bed by the noise made by ten Californians (unshaved and unwashed for months, being in the mountains,) rushing into my chamber with guns, swords, pistols, and torches in their hands. I needed but a moment to be fully awake and know my exact situation; the first cry was "Como estamos Señor Consul?" "Vamos Señor Larkin."

* * * * * *

At daylight we started, with a flag flying and a drum beating, and travelled eight or ten miles, when we camped in a low valley or hollow, there they caught, with the laso, three or four head of cattle belonging to the nearest rancho, and breakfasted. The whole day their out riders rode in every direction, on the lookout to see if the American company left the mission of San Juan, or Lieutenant Colonel Frémont left Monterey, they also rode to all the neighboring ranchos, and forced the rancheros to join them. At one o'clock they began their march, with 130 men and 200 or 300 extra horses; they marched in four single files, occupying four positions, myself, under charge of an officer and five or six men, in the center.

* * * * * *

Ten miles south of the mission they encountered eight or ten Americans, a part of whom retreated in a low ground covered with oaks, the others returned to the house of Señor Gomez, to alarm their companions. For over one hour the 130 Californians surrounded the 6 or 8 Americans, occasionally giving and receiving

shots; during this period I was several times requested, then commanded to go among the oaks and bring out my countrymen, and offer them their lives on giving up their rifles and persons. I at last offered to go and call them out, on condition that they should return to San Juan or go to Monterey, with their arms; this being refused, I told the commandante to go in and bring them out himself,* while they were consulting how this could be done, 50 Americans came down on them, which caused an action of about 20 or 30 minutes; 30 or 40 of the natives leaving the field at the first fire, they remained drawn off by fives and tens until the Americans had the field to themselves; both parties remained within a mile of each other until dark. Our countrymen lost Captain Burrows, of St. Louis, Missouri, Captain Forster, and 2 others, with 2 or 3 wounded. The Californians lost two of their countrymen, and José Garcia, of Val. Chili, with seven wounded.

* * * * * *

On the 3d or 4th of January, news reached the Pueblo that Colonel Frémont was south of Santa Barbara, marching to meet the Californian forces. The latter then mustered all they could, to the number of 400 to 500, and encamped two or three days at the mission of San Fernando, awaiting the arrival of the riflemen, and appeared very anxious to have a fight. Information now reached General Flores that Commodore Stockton, with 600 men from San Diego, would soon be in his vicinity. He immediately ordered all the Mexicans and Californians to leave San Fernando and march to the opposite side of the Pueblo to meet the marine forces.

* * * * * *

On the 13th January, the capitulation of Cowenga was signed.

* * * * * *

The war in California is now over, as far as the Californians are concerned, and if their manners and customs are tolerated, and common protection afforded them, they will gradually fall into the new order of affairs. They have had, in different parts, nine hundred men under arms, every man with good horses and a lance, most of them with swords, pistols, rifles, or carbines, every one of them countrymen, to aid them either by choice or force; a perfect knowledge of every hill and valley, and an utter contempt for foreign infantry, especially "seamen;" yet they did not succeed, and have found their losses in horses and waste of time so great as to prefer peace for the future, under a guarantee of good treatment.

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* When an officer crept on his hands and knees in the grass to have a fair view, and received a ball in his body, and was carried off on a horse by a companion.

Original, in the Spanish language, of the papers in relation to the Macnamara grant, referred to in Colonel Frémont's deposition.

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Yo, Eugenio Macnamara, Sacerdote Catolico, y misionero apostolico, me tomo la libertad de someter a V. E. unas cuantas reflexiones, sobre un asunto que en el dia llama mucho la atencion publica. Aludo a las esperanzas y estado actual de la alta California.

No se necesita el don de la profecia para preveer que dentro de poco ese pais fertil dejara de ser una parte integra de esta republica, si algunas prontas y eficaces medidas no se adoptan para reprimir la rapacidad estrangera; la cuestion que se presenta luego es ¿ cuales son los medios mas breves y seguros de evitar semejantes calamidades? La voz unanima del pais respondera—colonizacion—la segunda cuestion es en donde encontrar los colonos que posean todas las cualidades necesarios para un objeto tan deseado—ciertamente no en Mejico—ni tampoco en ninguna de sus dependencias, cuyas poblaciones estan muy escasas; tenemos pues naturalmente que ocurrir a la Europa que abunda con una demasia de poblacion ¿ Que pueblo de este antiguo continente esta mejor dispuesto para los fines de la colonizacion—mejor adaptada a la religion, caracter, y temperamento de los habitantes de Mejico? enfaticamente respondo que los Irlandeses—los Irlandeses son Catolicos devotos, de moralidad, industriosos, sobrios, y valientes.

Por lo mismo yo propondria con la ayuda y aprobacion de V. E. para llevar adelante el citado proyecto—situar en la alta California una colonia de Irlandeses Catolicos—Tengo un triple objeto al hacer esta propuesta, quisiera en primer lugar avanzar la causa del Catolicismo, en segundo contribuir a la felicidad de mis compatriotas, y en tercero, deseo poner un impedimento a mas usurpaciones por parte de una nacion irreligiosa y anti—Catolica—propongo en seguida a V. E. que se me conceda un territorio extenso sobre las costas de mar de la alta California para el objeto ya indicado.

Prefereria con el permiso de V. E. situar los primeros colonos en la bahia de San Francisco. V. E. conviendra conmigo en que esta medida es conveniente, cuando reflexiona que los Americanos tienen posesion de la Bodega, un puerto abandonado de los Rusos, situado un poco al norte de San Francisco.

Traeria para principiar 1,000 familias, despnes si le parecia bien, a V. E. una segunda colonia pudiera establecerse cerca de Monterey—y una tercera en Santa Barbara—de este modo la costa entera (por donde se espera mas peligro) quedaria completamente asegurada contra las invasiones, y pillages de estrangeros. Por cada familia que trajera necesitaria el terreno que compone un "sitio de ganado mayor," esto se le dara libre de toda costa, tambien que los

hijos de los colonos cuando se casan, han de recibir un medio sitio de ganado mayor, como un don nacional.

Exigeria tambien una exencion del pago de todas clases de contribuciones, por un cierto numero de años; que los colonos al tomar posesion de sus tierras se consideraran bajo protection del gobierno, y disfrutaran de todos sus dereehos.

Hay otras materias de menor importancia que no toco por ahora, pudiendose ser discutidas con mas ventaja despnes.

Tengo la satisfacion de poder decir que estas propuestas han merecido la mas llena aprobacion del Illmo. Sr. Arzobispo, venerable jefe de la Iglesia en este pais.

Este projecto, que tengo el honor de proponer a V. E. debe efectionarse bajo un pié extenso y liberal, para poder ser positivamente benefico a este pais.

Asi en pocas palabras he manifestado mi opinion sobre este importante asunto, he presentado unas cuantas ideas, las que si se llevan a efecto generosamente pueden proporcionar la felicidad a muchos, y sequisimamente tenderan a la consolidacion y integridad de este grande republica.

Tengo el honor de ser de su excelencia su muy respetuoso y obediente servidor,

EUGENIO MACNAMARA.

Al Exmo. Señor PRESIDENTE,
de la Republica de Mejico.

B.

Al Exmo. Sr. Presidente de la Republica Mejicana.

Por la ultima irresolucion del supremo Gobierno, para entrar inmediatamente en la cuestion de establecer una colonia Irlandesa en California, aparece que la principal y una objecion para dar cumplimiento á esta empresa, es, la dificultad de poder conseguir los medios pecuniarios suficientes para pagar los gastos de transportar los colonos al punto de su destino; esta objecion parece bastante bienfundada, pero soy de parecer, que puedo demostrar a V. E. en pocas palabras, que esto es muy facil de llevar a cabo, maxime quando este objeto se puede realizar sin que el gobierno se vea precisado a gastar un solo peso.

Ruego a V. E. se sirva tener en consideracion lo que adelante expongo y creo suficiente para obtener los fundos que pueden necesitarse para el transporto de los colonos.

En primer lugar hay en mi pais muchos padres de familia que despues de vender el poco terreno que poseen, ganados, muebles, etc.; pueden sacar libres de 200 a 300 pesos, con cuya suma tendran casi lo suficiente para cubrir los gastos de su viaje, y de sus familias, pero como es preciso traer otras muchas familias, que carecen de recursos para pagar los gastos de su transporte, tales

como, Presbyteros, cirujanos, artesanos, muchachas, &c., se hace precisamente necesario conseguir fondos para el efecto, y soy de parecer, que si el supremo gobierno me asignase en California una porcion de terreno suficiente para poder la hipotecar, creo podria obtener fondos en mi pais sobre dicho terreno.

Creo en segundo lugar que el supremo gobierno convendria en cedarme por cierto periodo de tiempo para el uso de los colonos, los derechos de importacion del puerto de San Francisco; esta ultima propuesta se me puede conceder con mucha mas facilidad por cuanto a que el supremo gobierno, no percibe mucho beneficio de los derechos de importacion de este puerto.

De este modo creo haber demostrado al Exmo. Sor. Presidente en pocas palabras recursos faciles de realizar y con los cuales se pueden poner a un lado todas las objeciones que se presentan, como he demostrado al principio, sin que el gobierno se vea precisado a hacer ningun gasto.

Ademas me dispensara, V. E. que me tome la libertad de demostrar que no se debe perder tiempo en este importante negocio, si se desea realizar, pues conoce V. E. demasiado bien, que estamos rodeado de un enemigo astuto y vil, quien no pierde medio alguno por bajo que sea, para apoderarse de los mejores terrenos de este pais, y quien odia a muerte su raza y religion.

Si los medios que yo propongo no se adoptan prontamente, puede V. E. estar seguro que antes de un año las Californias formaran una parte de la Union Americana. Sus subditos Catolicos seran la presa de los lobos metodistos, y todo el pais se inundara de estos crueles invasores; por lo tanto propongo medios de repelerlos, y mis propuestos deberian ser tanto mas admisibles, por cuanto a que no tengo ningun interes personal en el negocio, salvo el progreso de la santa religion de Dios, y la felicidad de mis compatriotas.

En cuanto a la fidelidad y adhesion de estos al gobierno Mejicano, yo respondo con mi vida, y como se puede traer un numero suficiente de colonos (por lo menos 10,000 hombres) soy de opinion y puedo asegurar con certeza que este numero seria suficiente para repeler a un mismo tiempo las secretas intrigas y ataques abiertos de los usurpadores Americanos.

Tengo el honor de ser de su excelencia, su my respetuoso y obediente servidor,

EUGENIO MACNAMARA,
Miss. Apos.

Ministerio de Relationes Exteriores, Gobernacion y Policia.

Mexico, Enero 19 *de* 1846.

Oido el dictámen del consejo en el projecto de colonizacion en Californias presentado por V. al supremo Gobierno, este, de acuerdo con la opinion de áquel cuerpo ha acordado que en atencion

á la necesidad que hay de derogar algunas disposiciones vigentes sobre la materia y otras concesiones propias del legislador, se dé cuenta con el espediente á las Cámaras.

Y lo digo á vm. para su conocimiento, advirtiendole, que se hará asi, oportunamente. Dios y libertad.

CASTILLO LAUZAS.

M. R. Padre Eugenio Macnamara,
Misionero Apostolico.

Santa Barbara, *á 1o de Julio, de* 1846.

Exmo. Senor Gobernador: Eugenio Macnamára, originario de Irlanda, Sacerdote Catolico y Misionero Apostolico ante V. E. respetuosamente manifieste que he llegado á este departamento con el objeto de empreuder el establecimiento de una colonia de mis compatriotas en el mismo: para cuyo fin he recibido la benigna cooperacion del venerable è illustrisimo Arzobispo de Mejico y la cordial acogida del supremo gobierno: quienes me han recomendado pasára en persona á este departamento, para elegir un terreno adaptado al objeto espresado, manifestar a V. E. mi proyecto de colonisacion y correr los tramites de estilo. Tengo el honor en efecto de presentar a V. E. mi plan que es en substancia el siguiente.

Me comprometo con este Gobierno a introducir a este departamento a la brevedad posible, dos mil familias de Irlandeses, Catolicos industriosos y sobrios cuyo numero total ascenderan a diez mil almas quienes tan luego como lleguen se considerarán obligados a someterse a las leyes establecidas; y a prestar sus servicios al legitimo gobierno en defensa de Californias contra toda clase de enemigos que la invadiesen, mantener la paz interior, y en fin dedicar sus esfuerzos al adelantamiento y prosperidad de este pais.

Solicito pues a V. E. se sirve de adjudicarme en propiedad el terreno situado entre el Rio de San Joaquin desde su manantial hasta su desembocadura y la sierra Nevada: siendo limites el Rio de Cosomnes por la parte del norte, y por el sur, la extremidad de los tulares en la inmediacion de San Gabriel.

Suplico a V. E. se sirva de mirar propicia mi propuesta y de mandar proveer como llevo pedido, que indudablemente tendará a la felicidad de California; y en gran manera, a llenar mis ardientes deseos de propagar la santa religion que profesamos y al mismo tiempo ser util a mis compatriotas.

EUGENIO MACNAMARA, (*Miss. Apos.*)

Pasé a la E. Assemblea Departamental para que se sirva dar su dictamen sobre lo contenido en este instancia, y en seguida vuelva à este gobierno para su ulterior resolucion.

PICO.

Ministerio de Relaciones Exteriores,
Mexico, 11 *de Agosto de* 1845.

Muy Señor mio y estimado amigo : El Presbitero irlandes D. Eugenio Macnamara, pasa à ese Departamento con la expedicion à cargo del Sr. Coronel D. Ignacio Iniestra, y lleba el projecto de colonizar con familias irlandesas.

Entre personas muy respetables que me han recomendado à este eclesiastico, lo ha hecho muy eficazmente el Illmo. Sr. arzobispo; y deseando complacerlos en un negocio que puede ser de utilidad para la Republica, lo hago yo a V. encargandole que bien examinado su projecto informe al Gobierno lo que sele ofrezca para que se resuelva lo conveniente, y le facilite V. todo lo que dependa de su posivilidad para que le sea agradable su residencia en ese Departamento.

Me repito de V. su muy afecto amigo y servidor Q. B. S. M.
LUIS G. CUEVAS.

Hable V. sobre el projecto con ese Sr. Gobernador para que con vista tambien de su informe y de su opinion pueda el Gob. acordar lo mas acertado.

Sr. D. Jose Ma. Hijar, *Monterey*, (*Alta California.*)

Angeles, *Julio* 7, *de* 1846.

Exmo Sor.: Acompaño a V. E. copia del dictamen de la comision especial aprobado por esta honorable asamblea en sesion extraordinaria de hoy relativo al projecto de colonisacion presentado a V. E. pr. el Señor Presbitero D. Eugenio Macnamara, y pr. el se informara q. esta E. Corporacion unisona con los sentimientos manifestados por V. E. en oficio de 24 de Junio ultimo, presenta su sentir espresando el gran deseo que le anima por que le tenga su efecto la empresa dicha.

Tengo el honor de adfuntarlo á V. E. por acuerdo de la H. Asamblea y por contestacion à su citada nota, á la vez de reiterarle las mas sinceras consideraciones de mi aprecio. Dios y libertad.

FRAN. FIGUEROA, *Presidente.*
NARCISO BOTELLA, *Vocal Scro.*

Exmo. Señor Gobernador Constitucional,
Del Departamento de Californias.

Pio Pico, *Gobernador Constitucional*
del Departamento de Californias:

Por cuanto el Presbitero Don Eugenio Macnamara ha pretendido

para el establecimiento de una colonia de familias Irlandesas, porciones de terrenos al interior de este Departamento, los que actualmente se hallan baldios, considerando la utilidad que resultará al pais con la occupacion de estos puntos hasta hoy diciertos tanto por que progresará la agricultura, se fomentara el comercio, las artes, é industria y la propagacion de la fé y al mismo tiempo se encuentrará el Departamento seguro de las frecuentes incurciones de los Indios barbaros que a cada paso disminuyen la riqueza territorial por los repetidos robos que cometen y ya porque aumentado el numero de poblaciones por familias honradas se conservará la integridad é independencia nacional supuesto que, estas serán otros tantos ciudadanos Mejicanos, pues bajo tal concepto ingresarán al pais; practicadas préviamente las diligencias y averiguaciones que han sido necesarias segun lo dispuesto por leyes y reglamentos de colonizacion, usando de las facultades que me estan conferidas en nombre de la nacion Mejicana y de acuerdo con lo dictaminado por la Exma. Asamblea Departamental he venido en conceder para la colonizacion á familias Irlandesas las porciones de terrenos que ha solicitado el referido Padre Eugenio Macnamara, á reserva de la aprovacion del supremo gobierno nacional y bajo las condiciones siguientes.

1a. Se conceden a la colonia Irlandesa los terrenos baldios que se hallan al interior del Departamento fuera de las viente leguas limitrofes, en el Rio de San Joaquin desde su manantial hasta su desembocadura, y la Sierra Nevada: siendo limites, el Rio de Cosomnes por la parte del Norte, y por el sur la extremidad de las Fulares en la inmediacion de San Gabriel; dentro de los cuales podrán establecerse las familias que la compongan y formar sus poblaciones, que serán bien ordenadas; en el concepto de que aun que tienen libertad para cercar los que a cada una se le señale sera sin perjudicar las travesias, caminos y servidumbres.

2a. Las familias que se establescan disfrutarán de los terrenos que se les señale libre y esclusivamente destinandolos al uso ó cultivo que les acomode; pero de ninguna manera podràn estas por si, ni la colonia en cuerpo enagenar de voluntad propia á ninguna nacion extrangera ni pasar á otro dominio por hypoteca ni cualquiera otro pretexto sin que á ello convenga la nacion Mejicana.

3a. En las poblaciones que dichos colonos establescan se podran avecindar si sobrasen terrenos en ellas, cualesquiera de los ciudadanos y familias residentes en el Departamento, ó otros aquienes por tener los requisitos prescriptos por las leyes les sea permitido legalmente su establecimiento; teniendo estos accion de ser considerados con goces en los privilegios que a las respectivas municipalidades se les concedan en los terrenos de egidos y propios que se señalan á cada poblacion.

4a. Debiendo ser el numero de tres mil familias las que compongan la colonia, se adjudicará unicamente a cada una un solo sitio de ganada mayor en el terreno precitado, y si estos uo alcansaren se sugetarán a los que halla. Si viniesen menos de las tres mil familias, todo el terreno sobrante entre estos linderos quedará a

beneficio de la nacion, y en el cual podran avecindarse familias Mejicanas.

En consecuencia mando, que teniendose el presente titulo por firme y valedero se tome razon de él en el libro á que corresponda y se entregue al interezado para su resguardo y demas fines. Dado en Santa Barbara, en papel comun por no haber sellado, a los cuatro dias del mes de Julio del Año de mil ochocientos cuarenta y seis.

Firmado. Pio Pico:*

JOSE MARIAS MORENO,
Secretario Interino.

Queda tomada razon de este superior despacho en el libro respectivo.

MORENO.

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